

Analysis of Legal Actions for Civil Claims of First Travel Fraud Victims Post Jurisdiction of the Supreme Court Number 3096k/Pid.Sus/2018 in Demanding Damages

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Abstract

This article is entitled " Analysis of Legal Efforts in Civil Lawsuits for Victims of First Travel Fraud After the Supreme Court's Decision Number 3096K/ Pid.Sus /2018 in Demanding Compensation " with 2 (two) main issues, namely: (1) Is the act against the law, correct? to be used as the basis for a lawsuit by the plaintiffs in case Number 52/ Pdt.G /2019/ Pn. Dpk? (2) What was the judge's consideration in the decision Number 52/ Pdt.G /2019/ Pn. Dpk so that he stated that he rejected all civil claims submitted by the victims of the First Travel congregation. This research is a type of legal research with normative juridical research methods. In addition, this study uses an analytical research approach and a case approach. The results of this article research indicate that substance existence from Regional Regulation Number 2 of 2019 concerning Permits to Open State Land this violate draft authority for area. one of them is as mean in Regional Regulation Number 2 of 2019 concerning Permits to Open State Land where There are 3 authorized parties in publishing Permission that is Camat, Secretary district and mayor is violate provision in regulation technical namely Decree of the Head of BPN No. 2 of 2003 concerning Norms and Standards Mechanism Management Authority Government in the Field Land Implemented by the Government District /City that gift permission open land is authority Regent / Mayor. As a Permission, then government to do function control to activities carried out by the community to suit with provision Regulation Applicable legislation, one of which is is Opening Land. Conclusion from writer that The Central Government is the authorities _ in Give Permission Opening the Land of the State. This thing can see in substance of TAP MPR No. IX of 2001 which was later issue presidential decree Number 34 of 2003 concerning National Policy in the Field of Land Affairs, and Decree of the Head of BPN No. 2 of 2003 concerning Norms and Standards Mechanism Management Authority Government in the Field Land Implemented by the Government District / City. So, there is conflict of norm a Between the Presidential Decree and the Decree of the Head of BPN with Samarinda City Regional Regulation Number 2 of 2019 concerning Permits to Open State Land. Consequences is authority in IMTN should be returned to the Ministry of Home Affairs, however because there is a Ministry of ATR/BPN then in skeleton complete conflict of norm must be understood returned to the Minister of ATR/BPN because the Minister of ATR BPN has authority related with State land that is not lands rights , and not on forest areas based on Government Regulation of the Republic of Indonesia Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration .

Keywords

Authority; local government; permits opening the land of the state.



I. Introduction

When viewed from the spiritual needs of humans, Indonesia itself knows 6 religions, namely: Hinduism, Buddhism, Islam, Protestant Christianity, Catholicism and Confucianism. Each of these religions has a different path to peace. Like Islam, which is the religion with the largest number of adherents in Indonesia. Islam itself has 5 pillars of Islam that must be followed and lived by its people. One of the pillars of Islam is to perform the pilgrimage. The pilgrimage itself has been regulated by the state in the Government Regulation of the Republic of Indonesia Number 79 of 2012 concerning Law Number 13 of 2008 concerning the Organization of the Hajj (hereinafter referred to as PP No. 79/2012) which confirms that:

"The Hajj is the fifth Pillar of Islam which is a once-in-a-lifetime obligation for every Muslim who is able to fulfill it."

Departing from the needs of this special pilgrimage, there are many Hajj and Umrah travel agencies that promise to go for Hajj and Umrah with comfortable and reliable facilities. However, in every situation there are certain people who take advantage of it for personal gain. As in the case of Consumers of Prospective Hajj and Umrah Congregants (hereinafter referred to as victims) of First Travel who failed to go for Hajj due to a default by PT. First Anugerah Karya Wisata or familiarly called First Travel. The chronology in this case is that it started with First Travel which has carried out its special business activities as a departure bureau for pilgrims on behalf of PT First Anugerah Karya Wisata, since 2011. Since January 2015, First Travel has offered Umrah packages to consumers in various forms, namely:

a) Umrah Promo Package in 2017: Rp. 14,300,000, -/ person.

Package Details: The trip will be carried out for 9 (nine) days with the facility of staying at a 3 Star Hotel and is carried out with a departure system based on a sequential list of payments. Umrah package offers have been made since January 2015 for departures in November 2016 to May 2017;

b) Regular Umrah Packages: Rp. 26,613,000, -/person.

Package Details: The trip will be carried out for 9 (nine) days with facilities staying at the Bitang 4 Hotel;

c) VIP Package: Rp. 54,000,000, -/person.

Package details: The trip will be carried out for 9 (nine) days with the facility of staying at a 5 Star Hotel and departure will be made at any time after the prospective congregation has paid in full;

d)Umrah Promo Packages in 2018: Rp. 15,000,000, -/person, with facilities to stay in a 3 star hotel

As of 2017, there have been 72,672 prospective Hajj and Umrah pilgrims who will depart for the Holy Land through First Travel services. But in reality, from December 2016 to May 2017, First Travel was only able to dispatch 14,000 pilgrims, while 56,682 prospective pilgrims failed to depart.

Another problem is that the promo prices made by First Travel are far below the minimum standard price for Umrah fees that have been set by the Indonesian Hajj and Umrah Organizing Muslim Association (AMPHURI) and the Indonesian Ministry of Religion, which is 1,700 USD or equivalent to Rp. 22.61 million/person.

The following is a timeline of the consumer rights violations committed by First Travel.

- a) On March 28, 2017, First Travel (PT First Anugerah Karya Wisata) was given a warning by the Ministry of Religion for not departing the pilgrims (consumers).
- b) On April 18 2017, the Ministry of Religion attempted first to advocate, then investigation and clarification up to mediation involving Hajj pilgrims (consumers) and First Travel. The efforts made by the Ministry of Religion did not get a positive response from First Travel.
- c) On May 22, 2017, the Ministry of Religion mediated between the Hajj pilgrims (consumers) and First Travel but could not find a way out. First Travel pilgrims (consumers) from East Java with a total of 600 (six hundred) people filed a complaint regarding First Travel to the DPR due to First Travel's failure to dispatch prospective Hajj pilgrims to the Holy Land.
- d) On 24 May 2017, the Ministry of Religion summoned First Travel, but the summons did not proceed properly because there was no positive response from First Travel.
- e) On June 2 2017, the Ministry of Religion mediated between the Hajj pilgrims (consumers) from Bengkulu and First Travel but could not find a way out.
- f) On July 10 2017, the Ministry of Religion conducted the final mediation between the Hajj pilgrims (consumers) and First Travel but First Travel's management was not present so the mediation failed.
- g) On July 21, 2017, the OJK Investment Alert Task Force terminated the business license from First Travel due to unlicensed public fundraising and illegal investments. In the same statement, the OJK Investment Alert Task Force asked First Travel to submit documents regarding data on Hajj pilgrims (consumers) who have not been able to depart but have been registered in the First Travel system. However, the request regarding the data was never fulfilled by First Travel.
- h) On August 3, 2017, the Ministry of Religion then revoked First Travel's business and operational license due to indications of violating the law regarding the implementation of the pilgrimage. Based on the Decree of the Minister of Religion of the Republic of Indonesia No. 589/2017 dated August 1, 2017 regarding the Imposition of Administrative Sanctions Revocation of Operational Permit for PT. First Anugerah Karya Wisata as Umrah Travel Organizer.
- i) On August 9 2017, Polda Metro Jaya named the President Director and Director of First Travel as suspects for alleged fraud and violating the ITE Law on reports made by consumers. There are 4,043 people who reported this case to crisis Metro Jaya Police Center. Plus 2,280 reports electronically.

II. Review of Literature

2.1 Owning Party Authority Give Permission Opening State Land According to Positive Law in Indonesia

Permission Unlocking State Lands includes in field public law is deed law government faceted one , where Government determine his will self based on desire maker Constitution for reach something arrangement certain things desired by the Government , namely so that the people who control good state land that has rights nor no should beg permission Back where with control in the form of permission this as order and regulator , so that activities utilization land implemented in accordance with allotment.

If one observes the three powers as regulated in Article 2 paragraph 2 of the LoGA above, it can be interpreted that the state acts as the ruler over all-natural wealth both on the surface of the earth and in the earth (including land) in the territory of the Republic of Indonesia. The right of control from the State is one form of control over land which is

rooted in the constitution of the Republic of Indonesia, namely Article 33 paragraph (3) of the 1945 Constitution which reads: Earth and water and the natural resources contained therein are used as much as possible for the prosperity of the people. These provisions are then further elaborated in Article 2 paragraph (1) of the Basic Agrarian Law. The State's Right to Control as embodied in Article 33 paragraph (3) of the 1945 Constitution implies that the state acts as the highest land tenure right holder, which is further emphasized in Article 2 paragraph (1) of the Basic Agrarian Law. which states that the state as an organization of power for all the people holds supreme power over the earth, water, space, and the wealth contained therein.

The concept of the right to control does not mean that the people/community are under the state. In the principle of the state controlling then in the relationship between the state and society/people. The community/people cannot be subordinated to their position under the state, because the state actually receives power from the community/people to regulate the allocation, supply and use of land as well as legal relations related to land. So, the state only acts as a fair arbiter who determines the rules of the game that are obeyed by all parties and the state is also subject to the regulations made by itself when taking part as an actor in its activities to use land.

In law tree agrarian no set with firm definition right open land. However, in Article 16 Paragraph (1) of the Law, tree agrarian letter f is mentioned term right open land. So can confirmed that right open land is is one _ right on land as mentioned in Article 46 of the Law tree agrarian. According to Boedi Harsono, open land this no right on real land, because _ right this no give authority for use land. Example example with contents from P origin 46 (2) Law tree Agrarian, use right pick up forest products made by legitimate no means with alone give right especially right owned by to user that. Draft open State land found in Provision Article 16 (1) letter f of the Law tree agrarian with the word rights Opening the Land means one effort in expand land area agriculture is with Street open land.

Permit to Open State Land (IMTN) is a permit granted by the mayor or appointed official to individuals or legal entities to open and/or take advantage of and use land directly controlled by the state to function as the basis for the application of rights. IMTN is expected to function as substitute for the land seal which will later be stored by the District Office in a land parcel as a state archive. However, the fact is that the evidence in the form of land seals/SPPT in Samarinda City is an overlapping problem that hinders the land registration process, IMTN is one of the requirements for registering old rights in the form of land seals to the National Land Agency to be upgraded to a certificate of ownership of land. Along with developments in Samarinda City, IMTN was implemented after the ratification of Regional Regulation Number 2 of 2019 concerning Permits to Open State Land. However, before enacting the provisions in Regional Regulation Number 2 of 2019 concerning Permits to Open State Land, implementing regulations are needed so that the government stipulates Regulation of the Mayor of Samarinda Number 61 of 2019 concerning Permits to Open State Land.

So, to answer who the party that owns authority in Granting Permit to Open State Land According to Positive Law in Indonesia actually can leave from substance Decree of the Head of BPN No. 2 of 2003 concerning Norms and Standards Mechanism Management Authority Government in the Field Land Implemented by the Government District / City. where is a number of notes important necessary understood.

2.2 Existence Samarinda City Regional Regulation Number 2 of 2019 concerning Permit to Open State Land (IMTN) in Samarinda City

Country is given organization authority dominate, represent people in manage and organize source power nature, actions law and relations law on land and control all source power is for prosperity people. Agrarian update in skeleton even distribution source agrarian power and for optimization in management source power sustainable nature. In skeleton realize even distribution appropriate development with state community in their respective areas was born MPR Decree Number IX of 2001 concerning Update Agrarian and Management Source power nature. In skeleton implementation of the TAP MPR is in the field land 9 (nine) authorities that are implemented Government Regency /City as contained in Article 2 paragraph (2) of the Presidential Decree Number 34 of 2003 concerning National Policy in the Land Sector, namely:

- 1) Giving permission location;
- 2) Organizing _ procurement land for interest development;
- 3) Solution dispute land arable;
- 4) Solution problem change loss and compensation land for development;
- 5) Determination subject and object redistribution land, as well as change loss land excess maximum and absentee land;
- 6) determination and settlement problem land ulayat;
- 7) utilization and solution problem land empty;
- 8) gift permission open land;
- 9) planning use Regency / City land.

For legal certainty in maintaining their land tenure rights, residents who have a certificate from the sub-district head can apply for ownership rights at the land office. Prior to the enactment of Regional Regulation Number 2 of 2019 concerning Permits to Open State Land, an application for land rights can be filed on the basis of the title of the camat certificate (seal) as one of the evidences for the basis of the rights recognized in the Elucidation of Article 24 paragraph (1) letter m in Government Regulation 24 of 1997, namely other forms of written evidence as referred to in the provisions concerning the conversion of the Basic Agrarian Law , which reads :

The proof of ownership basically consists of proof of ownership in the name of the right holder at the time the Basic Agrarian Law comes into effect and if the right is subsequently transferred, the evidence of successive transfer of rights reaches the right holder at the time the book of rights is recorded.

With the IMTN issued by the district, the land certificate which was originally proof of a person's ownership of a land seal is no longer valid, because it has been replaced with the issuance of the IMTN (Permit to Open State Land), in this case IMTN in Samarinda City as substitute for land seals and as proof of land ownership. The process to obtain this IMTN certificate is not easy and takes about 3 months because of waiting for objections or rebuttals from third parties that can be submitted if there are legal subjects who feel that the land is their property. and proof of ownership is only in the form of a land seal so it cannot be upgraded to a land certificate, it can prevent someone from getting a certificate on their land. However condition where certainty the law wants fulfilled through Regional Regulation Number 2 of 2019 concerning Permits to Open State Land precisely no reflect certainty law , condition this because in Regional Regulation Number 2 of 2019 concerning Permission Opening State Land stipulates that every pedestal of rights must apply for IMTN before beg Right on land is contrary with norm technical decision of BPN No. 2 of 2003 concerning Norms and Standards Mechanism Management Authority Government in the Field Land Implemented by the Government District /City as provision

technical from Presidential Decree 34 of 2004 which is a implementation from TAP MPR IX/2001 regarding Update Where is Agrarian and Natural Resources Management gift permission open land no given to subject the law that has accept permission open land before . Condition this clear violate the context of legal certainty normatively because regulations are made and promulgated uncertainly and the rules in question inside it no clear and contradictory. Condition this then raises doubts (multi- interpretation) and illogical in terms of regulations Region Number 2 of 2019 concerning Permission Unlocking the Land of the State unleash self from the norm system with other norms so that they do not clash or cause norm conflicts.

Since take effect Regional Regulation Number 2 of 2019 concerning Permits to Open State Land, the Community who controls the land of the State, must for look after Permission Unlocking the next Country Land called as (IMTN) before beg right on land as listed _ in Regional Regulation Number 2 of 2019 concerning Permits to Open State Land Article 10 related with provisions of rights and obligations, reads:

- 1) IMTN holders have right for open and/ or utilise appropriate state land with provision regulation legislation.
- 2) The holder of the existing rights must submit IMTN application before submit right on land.

Orderly land administration to run well, the National Land Agency is given the task and authority to supervise and regulate it, which has been regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration (PTSL). BPN has the task of carrying out government duties in the land sector nationally, regionally and sectorally. If there are problems in the land sector, the National Land Agency (BPN) must handle the problems that arise. A well-run administrative order will be achieved if the practice of land registration is carried out efficiently in the community.

Throughout the validity period of the Act tree agrarian in system registration land in East Kalimantan, especially Samarinda City, seal land still recognized as tool proof ownership land. Seal land this in the form of letter or deed ownership land and/or transfer right on land created under hands on paper as long as know paper stamped) affixed sign sign hand/fingerprint (thumb) of the owner land, witnesses, head of RT (Rukun Neighbors) and officials' government (Lurah and Camat) are also signed by the owner land, witnesses, then be equipped with sign hand Head of RT, Lurah and Camat, all right limited know and/or register letter t in their respective registers. Element proof in seal land that can made as base ownership is because known and marked handle head village/RT and officials' government about boundary, chronological land and/or other. So that proof this rated weak because no explained by the official land agency. As a result, mastery land this potential cause dispute from no existence validation and logging ownership land that.

Existence from existence Regional Regulation Number 2 of 2019 concerning Permits to Open State Land is is effort for support activity open and/or utilize state land in Samarinda City which has started growing rapidly so that licensing arrangements in the land sector are needed that are not only able to foster an investment climate. However, by substance existence from Regulation Region Number 2 of 2019 concerning Permits to Open State Land this violate draft authority for area. one of them is as mean in Regional Regulation Number 2 of 2019 concerning Permits to Open State Land where There are 3 authorized parties in publishing Permission that is Camat , Secretary the region and the mayor are violate provision in regulation technical namely Decree of the Head of BPN No. 2 of 2003 concerning Norms and Standards Mechanism Management Authority Government in the Field Land Implemented by the Government District /City that gift permission open land is authority Regent / Mayor .

III. Result and Discussion

3.1 Analysis of Unlawful Acts as the Basis of Lawsuit by the Plaintiffs in Case Number 52/ Pdt.G /2019/ Pn. Dpk

In order to fight for their rights, First Travel victims took various legal efforts. Starting from administrative sanctions, PKPU lawsuits, criminal charges to civil lawsuits. This legal effort is taken by First Travel victims to obtain their right to go for Umrah, to obtain a refund of the money already paid or to obtain compensation. The large number of First Travel victims has caused many parties to be involved in legal proceedings in this case. The following is a summary of the legal remedies taken by First Travel victims:

a. Sanctions Administrative

As an institution that oversees Hajj and Umrah activities, the Ministry of Religion of the Republic of Indonesia also takes administrative actions against First Travel. Efforts made by the Ministry of Religion emphasized mediation efforts to obtain an agreement between the victim and First Travel. The following is a summary of the administrative actions taken by the Ministry of Religion of the Republic of Indonesia in the First Travel case:

March 28, 2017	The Ministry of Religion issues a warning letter to First Travel	
18 April 2017	Investigation and advocacy efforts between victims and First Travel	
May 22, 2017	The Ministry of Religion facilitates mediation between victims and First Travel	Didn't get a deal
10 July 2017	The Ministry of Religion made a final mediation effort between the victim and First Travel	Mediation failed, because the First Travel Party was not present
August 3, 2017	Ministry of Religion revokes First Travel's business and operational license	Decree of the Minister of Religion of the Republic of Indonesia No. 589/2017

The actions taken by the Ministry of Religion are based on the provisions of Government Regulation Number 79 of 2012 concerning the Implementation of Laws Number 13 of 2008 concerning the Organization of the Hajj. In this case, First Travel as PPIU (Umrah Worship Travel Organizer) has violated the provisions of Article 65 of Law Number 13 of 2008. That is, abandoning the Umrah congregation so that the congregation failed to go to Saudi Arabia. So based on the provisions of Article 69 of Law Number 13 of 2008 the Ministry of Religion imposed administrative sanctions on First Travel. That is in the form of revocation of operating licenses.

3.2 Analysis of the Judge's Consideration in Decision Number 52/ Pdt.G /2019/ Pn. Dpk So that the Civil Lawsuit Filed by Victims of the First Travel Congregation is Unacceptable

Case number 52/ Pdt.G /2019/ PN. Dpk, the Chief Judge, Ramon Wahyudi, SH., MH has a different opinion from the other judges. So, the judge's decision number 52/ Pdt.G /2019/ PN. Dpk is not unanimous. But there is a dissenting opinion in it. The following is an analysis of the judge's considerations on decision number 52/ Pdt.G /2019/ PN. Dpk:

a. Tree Lawsuit (Petitum)

After decipher about object things, facts law, qualification deed the defendant and the losses suffered so through the lawsuit plaintiff in essence request that the Panel of Judges of the Depok District Court to examine and adjudicate case this decide:

1. Accept Plaintiffs ' lawsuit for entirely;
2. State Defendant has to do deed oppose law;
3. Punish Defendant for give change make a loss to the Plaintiffs;

From the description of the judges' considerations, it can be seen that there was a difference of opinion between the presiding judge and 2 (two) other member judges. The member judges argued that the plaintiffs did not have legal standing because they did not have a special power of attorney or incidental power of attorney from 3,207 First Travel victims who were represented by the plaintiffs in their lawsuit. Because in court proceedings, a person can speak directly or indirectly by appointing a representative as evidenced by the existence of a special power of attorney. Representatives with this power of attorney are regulated in the provisions of article 123 HIR, 147 RBg. 82 The absence of a power of attorney caused the plaintiffs to not formally have legal standing to represent the 3,207 congregants in question.

The plaintiffs in their lawsuit also did not include in detail the losses suffered by each victim. However, in the petition, the plaintiffs stated that they had suffered a loss of Rp. 49,075,199,560 (forty-nine billion seventy-five million one hundred ninety-nine thousand five hundred and sixty rupiah). Thus, there is no synchronization between the basic facts (fatelijk grond), legal basis (rechts grond) which was argued by the Plaintiffs, the plaintiff's claim was declared vague. Therefore, the plaintiff's claim is declared invalid. If the plaintiff's claim is not accepted, no further examination will be carried out on the subject matter of the case.

Meanwhile, the legal considerations described by the presiding judge in dissenting His opinion becomes more complex. Because of the opinion that the plaintiff has a legal relationship with First Travel in this case. Namely as branches, agents and direct consumers. This legal relationship is considered sufficient for the plaintiffs to act as plaintiffs in this case, without the need for special power of attorney from 3,207 other victims. So that the presiding judge gives legal considerations to the main point of the case.

The lawsuit filed by the plaintiff is also not considered vague. because there is a causal relationship between the actions of the defendant and the losses suffered by the plaintiffs. In seeing the losses caused, the presiding judge in this case considers it proportionally. Only a number of the values of the receipts were presented before the court. That is Rp.1.104.250,776 (one billion one hundred four million two hundred fifty thousand seven hundred and seventy-six rupiah).

In the main case, the lawsuit against the law is considered appropriate as the basis for the lawsuit. Because First Travel's act of not sending prospective pilgrims to the Holy Land not only violated the provisions of the Umrah Service Agreement, but also violated the provisions of the legislation. Namely Law Number 13 of 2008 concerning the Organization

of the Hajj, Government Regulation Number 79 of 2012 concerning the Organization of the Hajj, Law Number 8 of 1999 concerning Consumer Protection and Law Number 40 of 2007 concerning Limited Liability Companies.

However, based on the provisions of the law, the decision is determined based on the considerations of the judge with the most votes. However, it still contains the considerations of judges who have different opinions as a manifestation of the principles of judge freedom and transparency. Therefore, the verdict in case number 52/ Pdt.G /2019/ PN. Dpk ultimately gave a decision that the plaintiffs' claim was unacceptable (niet). ontvankelijke verklaard).

IV. Conclusion

- a. As a Permission, then government to do function control to activities carried out by the community to suit with provision Regulation Applicable legislation, one of which is is Opening Land. Conclusion from writer that The Central Government is the authorities _ in Give Permission Opening the Land of the State. This thing can see in substance of TAP MPR No. IX of 2001 which was later issue Presidential Decree Number 34 of 2003 concerning National Policy in the Field of Land Affairs, and Decree of the Head of BPN No. 2 of 2003 concerning Norms and Standards Mechanism Management Authority Government in the Field Land Implemented by the Government Regency/ City. So, there is conflict of norm between the Presidential Decree and the Decree of the Head of BPN and Samarinda City Regional Regulation Number 2 of 2019 concerning Permits to Open State Land. Consequences is authority in IMTN should be returned to the Ministry of Home Affairs, however because there is a Ministry of ATR/BPN then in skeleton finish conflict of norm must be interpreted returned to the Minister of ATR/BPN because the Minister of ATR BPN has authority related with State land that is not lands _ _ rights , and not on forest areas based on Government Regulation of the Republic of Indonesia Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration .
- b. Existence from existence Regional Regulation Number 2 of 2019 concerning Permits to Open State Land must be customized with theory Norm Hierarchy / stufentheorie. Although Regulation Region Number 2 of 2019 concerning Permits to Open State Land there is as effort for support activity open and/or utilize state land in Samarinda City which has started growing rapidly so that licensing arrangements in the land sector are needed that are not only able to foster an investment climate. Although existence This Regional Regulation could said as shape although Freiesermessen This emerged as an alternative to fill the gaps and weaknesses in the in Legal conditions positive. However, by substance regional regulations governing state administrative actions are also necessary notice principal Legality how Law of the Republic of Indonesia Number 30 of 2014 concerning Administration, so that existence from Regional Regulation Number 2 of 2019 concerning Permits to Open State Land need notice principal legality in Constitution this violate draft authority for area. one of them is as mean in Regional Regulation Number 2 of 2019 concerning Permits to Open State Land where there are 4 (four) authorized parties in publishing Permission that is The Camat , Head of Service, and Regional Secretary and Mayor are violate provision in regulation technical namely Decree of the Head of BPN No. 2 of 2003 concerning Norms and Standards Mechanism Management Authority Government in the Field Land Implemented by the Government District /City, that gift permission open land is authority Regent / Mayor .

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