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## Jurisdictional Conflict between Legal Aid Posts and General Courts in Internal Village Disputes

**Arni<sup>1\*</sup>, Amisbah Ramly<sup>2</sup>, Zulfikar Putra<sup>3</sup>, Eko Bambang Murdiansyah<sup>4</sup>**<sup>1</sup> Fakultas Keguruan dan Ilmu Pendidikan, Universitas Sembilanbelas November Kolaka, Indonesia, [arni29215@gmail.com](mailto:arni29215@gmail.com).<sup>2</sup> Fakultas Keguruan dan Ilmu Pendidikan, Universitas Sembilanbelas November Kolaka, Indonesia, [amisbahramly@gmail.com](mailto:amisbahramly@gmail.com).<sup>3</sup> Fakultas Keguruan dan Ilmu Pendidikan, Universitas Sembilanbelas November Kolaka, Indonesia, [zulfikarputra2016@usn.ac.id](mailto:zulfikarputra2016@usn.ac.id).<sup>4</sup> Fakultas Keguruan dan Ilmu Pendidikan, Universitas Sembilanbelas November Kolaka, Indonesia, [ekhoputra61@gmail.com](mailto:ekhoputra61@gmail.com).\*Corresponding Author: [arni29215@gmail.com](mailto:arni29215@gmail.com)

**Abstract:** This study analyzes jurisdictional conflicts between Legal Aid Posts and General Courts in resolving internal disputes in Rano Jaya Village based on Constitutional Court Decision No. 88/PUU-X/2012. The background issue is the unclear authority boundaries of Posbakum triggering overlaps with General Courts, undermining legal certainty for villagers. The research aims to examine jurisdictional limits of both institutions through normative juridical approach using statute, case, and conceptual methods. Findings indicate Posbakum is confined to assistive roles in consultation and minor criminal representation per Supreme Court Regulation No. 1 of 2014, while General Courts hold exclusive jurisdiction over village norm interpretation, customary breaches, and asset executions. The conclusion recommends regulatory revisions for authority harmonization, coordination standardization, and forum shopping prevention to achieve proportional justice access for villagers.

**Keyword:** Posbakum, Jurisdictional Conflict, Village Disputes, MK Decision 88/PUU-X/2012, Village Autonomy

### INTRODUCTION

To maintain harmony in village governance and the supremacy of law, Indonesia's legislative system prioritizes the resolution of internal village disputes, given that in the dynamics of customary village communities, villagers often find themselves in vulnerable positions due to imbalances in legal knowledge, dominance of village elites, and the complexity of customary norms conflicting with national regulations (Pradhani, 2021; Sulastri, 2025). This vulnerability demands legal instruments that not only guarantee the recognition of villagers' rights but also provide proportional enforcement mechanisms. Normatively, Law No. 6 of 2014 on Villages (Village Law) is designed to ensure the fulfillment of villagers' interests while

establishing legal certainty for village governance, thereby creating a healthy, participatory, and justice-oriented village democracy climate.

As an implementing instrument of the Village Law, the Legal Aid Post (Posbakum) was established to provide free legal aid pathways for poor communities at the court level, including handling internal village disputes that intersect with minor criminal or customary civil matters (Handayani, 2025; Firdhauzya & Isbandono, 2023). Posbakum offers fast, simple, and low-cost procedures compared to conventional litigation, making justice access for villagers more inclusive and preventing their capacity to advocate for rights from being hindered by protracted court processes. However, practice reveals debates regarding the limits of Posbakum's authority in accepting, examining, and assisting cases, especially when internal village disputes overlap with general criminal or pure civil realms (Andiwewang, 2025). This ambiguity leads to inconsistencies in handling and potential jurisdictional overlaps with the General Court, affecting legal certainty for the parties involved. Therefore, regulatory harmonization, proof guidelines, and institutional coordination are needed to make its authority operational and accountable.

This problem becomes particularly evident when Posbakum's institutional design, aimed at providing efficiency and certainty, faces mechanisms of authority conflicts with the General Court. Supreme Court Regulation (PERMA) No. 1 of 2014 on Posbakum opens access to legal assistance at district courts, raising questions about the finality of Posbakum interventions and their coordination with courts, while triggering uncertainty for villagers and village officials alike. Such practices create a "jurisdictional overlap" effect that contradicts the mandate for fast and simple legal aid. Moreover, authority conflicts are often used as delay tactics, increasing transaction costs and weakening access to rights restoration for villagers. Thus, discussions on authority boundaries, classification of internal village disputes under Posbakum jurisdiction, assistance or mediation procedures, and inter-institutional supervision and coordination patterns become critical agendas for examination.

This complexity is further highlighted by Constitutional Court Decision [No. 88/PUU-X/2012], which shows that the authority relationship between Posbakum and the General Court is not always linear, particularly in the assistance stage and execution of decisions on internal disputes in Rano Jaya Village. The case in Rano Jaya Village illustrates that disputes already assisted by Posbakum can still shift to the full realm of the General Court, transforming a mechanism conceived as fast and inclusive into layered examinations with consequences of time, costs, and uncertainty for the parties. Analysis of the decision enables mapping weaknesses in Village Law implementation and system improvement priorities. This underscores the urgency of reorganizing the substance, structure, and legal culture so that village legal aid is truly effective and judicious, with authority consolidation and procedure standardization as prerequisites for enhancing certainty and accountability.

On the other hand, the unclear boundaries of Posbakum authority can trigger jurisdictional conflicts with the General Court, especially when matters inherently pure internal village disputes are "constructed" as minor crimes to qualify for Posbakum assistance. Such practices imply legitimacy issues in assistance, weaken its effectiveness, and potentially erode the principle of legal certainty as the handling forum is debated from the outset. This complexity is exacerbated by varying interpretations of the Village Law, including determining aid recipients and types of disputed customary matters (Anggoro et al., 2025). Consequently, regulation implementation may proceed unevenly, causing procedural injustice and harming both parties.

This uncertainty in authority and procedures has consequences for the parties involved. From the villagers' perspective, choosing Posbakum for quick and simple assistance can backfire into prolonged processes when authority is challenged in the General Court, delaying rights restoration access and increasing psychological burdens and costs. This condition does

not align with the original rationale of establishing Posbakum as an effective and efficient legal aid instrument for the poor. Meanwhile, for village governance, Posbakum interventions perceived as exceeding competence prompt authority debates for legal certainty, but such steps extend case durations and raise transaction costs, proving counterproductive to dispute resolution efficiency goals.

In line with the problem of Posbakum authority uncertainty and potential conflicts with the General Court, (Anggoro et al., 2025) affirm that in customary village land disputes, forum choices are influenced by calculations of decision enforcement effectiveness, making Posbakum often selected for quick access yet still vulnerable to empirical challenges in courts. (Sulastri, 2025) emphasizes that village asset management practices often pose risks of rights violations for villagers, but the Posbakum-court competency relationship has not been a primary analytical focus. (Andiwewang, 2025) outlines overlaps between Village Law and Criminal Procedure Code norms that trigger jurisdictional misconceptions, though without concrete case readings. Village autonomy dynamics demand affirmation of boundaries and evaluation of justice, certainty, and utility principles in Posbakum practice. The problem formulation contains article questions that must be explained in the discussion and answered in the conclusion.

To analyze this authority conflict, this research is grounded in constitutional state theory (Asshiddiqie, 2010), which emphasizes harmony in the norm hierarchy within village autonomy to uphold constitutional supremacy, as well as village autonomy theory (Manan, 2016), which maps boundaries of village versus central authority as prerequisites for legal certainty. Additionally, progressive legal theory (Rahardjo, 2019) is used to evaluate Posbakum as a transformational instrument transcending jurisdictional formalism for substantive justice for vulnerable villagers, integrated with a legal problem-solving approach (Isra, 2020) through normative syllogism and regulatory harmonization. This theoretical approach enables systematic casuistic mapping of the Constitutional Court Decision.

Nevertheless, this study is distinctive from prior research by centering on the authority conflict between Legal Aid Posts and the General Court through in-depth casuistic analysis via targeted reading of Constitutional Court Decision [No. 88/PUU-X/2012] available in the Constitutional Court Decision Directory of the Republic of Indonesia. Unlike previous studies that generally emphasize forum choice comparisons, villager protection in asset disputes, or conceptual norm disharmony, this research uses the decision as an empirical entry point to test Posbakum jurisdictional limits operationally. Focus is directed at parties' arguments, judicial considerations, authority testing patterns, and their implications for legal certainty, rights restoration effectiveness, and field decision enforceability. The research aims to examine the authority of Legal Aid Posts and the General Court in resolving internal disputes in Rano Jaya Village based on Constitutional Court Decision [No. 88/PUU-X/2012], particularly regarding disclosure overlaps, handling inconsistencies, and their enforcement against legal certainty for villagers.

## **METHOD**

This research employs an empirical-normative juridical research type, combining analysis of legal norms, principles, and doctrines with field observations to examine Posbakum authority conflicts in resolving internal village disputes.

### **Population and Sample**

The population encompasses all regulations related to village autonomy and legal aid (Village Law No. 6/2014, PERMA No. 1/2014), court decisions (particularly Constitutional Court Decision No. 88/PUU-X/2012), primary/secondary legal literature, and empirical data from Rano Jaya Village. The purposive sample includes: (1) key regulations as statute

approach; (2) Constitutional Court Decision No. 88/PUU-X/2012 as case approach; (3) authority conflict doctrines as conceptual approach; and local Posbakum documents plus field interviews from Rano Jaya Village.

### **Research Time and Location**

The research was conducted in July-August 2025 in Rano Jaya Village, Toari Subdistrict, Kolaka Regency, Southeast Sulawesi. The location was selected as the empirical case center of Constitutional Court Decision No. 88/PUU-X/2012, facilitating verification of local Posbakum documents, informal interviews with village officials for juridical empirical context, and geographical relevance to internal village dispute dynamics.

### **Instruments and Data Sources**

The main instruments are literature study, documentation, and field observation. Primary data sources: legislation, court decisions (Supreme Court/Constitutional Court Decision Directory), Posbakum documents, village official interviews. Secondary data: legal journals, legal books. Tertiary data: legal dictionaries and official JDIH websites.

### **Data Collection Procedure**

Data were collected through: (1) literature study from legal sources; (2) documentation from JDIH websites and Supreme Court/Constitutional Court Decision Directories; (3) informal interviews and observations in Rano Jaya Village for empirical validation.

### **Data Analysis Technique**

Qualitative prescriptive analysis is used, encompassing: (1) norm description; (2) casuistic interpretation based on decisions and field facts; (3) legal syllogism; (4) jurisdiction harmonization recommendations. Statute, case, conceptual, and empirical approaches are applied systematically to address the problem formulation and ensure legal certainty for village residents.

## **RESULTS AND DISCUSSION**

### **Authority of Legal Aid Posts (Posbakum) and General Courts in Resolving Internal Disputes in Rano Jaya Village Based on Constitutional Court Decision No. 88/PUU-X/2012**

Constitutional Court Decision No. 88/PUU-X/2012 positions the internal dispute in Rano Jaya Village within the regime of free legal aid for the poor (Adicahya, 2017). Disputes over the management of customary village assets constitute legal aid for poor villagers, yet they also form legal relationships encompassing customary obligations, village sanction clauses, and binding norms under Village Law No. 6 of 2014. Referring to Village Law No. 6 of 2014, village assets under management are commonly the subject of disputes, such that customary breaches, rights withdrawal, and execution procedures readily transform into legal conflicts. The crucial point lies in qualifying the incident: whether village officials' actions constitute violations of poor villagers' rights under Supreme Court Regulation (PERMA) No. 1 of 2014 on Posbakum such as improper management practices or purely general criminal disputes inherent to Civil Code norms, thereby determining the resolution forum and evidentiary standards (Nurhidayati & Maryam, 2023). This determination impacts the boundaries of Posbakum's authority, General Court oversight, and substantive legal certainty for villagers.

Normatively, Posbakum is established to assist the poor through consultation and representation in pre-trial or minor criminal proceedings as a non-full litigation pathway (Setiawan et al., 2021). However, such authority requires adherence to the principles and procedural prerequisites of the chosen method. In the Rano Jaya Village case, competency

issues arise because Posbakum representation proceeds without clear boundaries when disputes intersect with general criminal matters, even though representation is voluntary and effective only with court coordination. Moreover, Village Law Article 114's village deliberation norms, designating the Village Consultative Body (BPD), indicate initial submission to internal village mechanisms for adat-rooted disputes. Constitutional Court Decision No. 88/PUU-X/2012 affirms that Posbakum functions as a provider of legal aid for the poor in the internal dispute of Rano Jaya Village, without adjudicative authority once the normative forum is determined. This prevents forum shopping and ensures legal certainty and balanced processes. The shift reframes the core question from the substance of poor villagers' rights violations to the legitimacy of the representation forum. Thus, jurisdictional limitations serve as a vital instrument to prevent forum shopping, uphold legal certainty, and guarantee fair and balanced resolution processes for all parties.

Substantively, claims of Posbakum mandate violations are built on assessments that village officials acted without good faith, causing harm particularly through unilateral customary asset management bypassing proper deliberation procedures. Under Village Law, villagers are entitled to participation, fair treatment, and adequate dispute resolution mechanisms, while officials must perform duties in good faith. On this basis, Posbakum interprets unilateral management as an indicator of good faith standard breaches and grounds for rights restoration representation. However, Constitutional Court Decision No. 88/PUU-X/2012 emphasizes competency and procedural issues, providing limited substantive evaluation of Posbakum mandate violations, as the dispute is qualified as purely general criminal litigation outside Posbakum's representation jurisdiction for the involved parties.

In this domain, Constitutional Court Decision No. 88/PUU-X/2012 serves as a benchmark for assessing the legality of Posbakum representation, particularly in unilateral village asset management practices by officials (Angga Dian Rafly & Sari, 2025). The decision affirms that the phrase "minor criminal representation" in PERMA No. 1 of 2014 cannot be interpreted as full intervention permission in all circumstances; representation is valid with village officials' agreement and voluntary submission, or must be requested through the court if villagers object. Consequently, asset management without court coordination or MK parameters can be challenged, even if party relations are village customary. Yet, the MK decision tightens representation requirements rather than expanding institutional competency, so it strengthens violation claims without automatically designating Posbakum as the forum for specific disputes.

Posbakum's authority derives from Article 39 of Law No. 16 of 2004 on the Indonesian Public Prosecutor's Office, jo. Supreme Court Regulation No. 1 of 2014, as affirmed in Constitutional Court Decision No. 88/PUU-X/2012, namely providing voluntary legal aid through pre-trial consultation and representation for the poor. The Court's considerations therein limit this authority within two corridors: first, procedural boundaries requiring court coordination to align with the Civil Code without which interventions risk invalidation; second, substantive boundaries restricting to non-general criminal disputes, where the Rano Jaya Village adat dispute (customary contractual breaches and asset binding) is more appropriately classified as general criminal matters rather than legal aid under PERMA No. 1/2014, reinforced by BPD deliberation norms (Article 114 of the Village Law). Therefore, Posbakum exceeds its authority (*ultra vires*) when demanding village norm interpretation and customary enforcement testing without prior submission to internal village forums.

From this decision's construction, Posbakum's authority in internal village disputes requires operational interpretation, positioning the dispute's core character as the parameter. Posbakum retains significance when the dispute's essence focuses on PERMA No. 1 of 2014 norm violations in poor villagers' represe

tation such as unfair practices or detrimental actions and when representation mechanisms meet court coordination prerequisites. Conversely, if the substance hinges on customary breaches and post-MK Decision No. 88/PUU-X/2012 asset execution legality testing requiring court involvement upon villager objections the General Court forum aligns better with enforcement design. Posbakum's representation recommendations must be applied cautiously to avoid exceeding PERMA No. 1 of 2014 mandates, while preserving legal certainty and preventing recurring jurisdictional conflicts.

Normatively, Posbakum's representation authority under PERMA No. 1 of 2014 must be interpreted restrictively and proportionately limited to legal aid norm violations in consultation or minor criminal representation aspects, not determining customary breaches or village asset execution orders, which fall under General Court domain (Muzwardi et al., 2025). Applications exceeding attribution boundaries risk *ultra vires* actions, undermining representation legitimacy and triggering court coordination cancellations. Therefore, caution in operationalizing representation is a key prerequisite to maintain legal certainty, prevent overlapping authorities, and avoid recurrent Posbakum-court jurisdictional conflicts, ensuring Posbakum's effectiveness as an assistive forum without disrupting judicial competency structures.

**Table 1. Juridical Analysis of Posbakum Authority in Resolving Internal Village Disputes**

Juridical Aspect	Legal Provision	Implications for Posbakum Authority	Analysis in Context of MK Decision 88/PUU-X/2012
Definition of Internal Dispute	PERMA No. 1 of 2014	Representation only for minor criminal violations of village norms	Rano Jaya asset dispute qualified as general criminal, not legal aid
Representation Method	PERMA No. 1 of 2014	Requires court coordination	Representation without coordination deemed excessive
Village Deliberation Norm	Article 114 Village Law	Internal BPD resolution first	Village forum designated; Posbakum not priority
Representation Cancellation	Article 1337 Civil Code	Cancellable if <i>ultra vires</i>	MK canceled for exceeding assistance
Village Asset Execution	MK Decision 88/PUU-X/2012	Must go through court if objections	Posbakum not authorized for asset execution

Source: Processed from primary MK Decision data and related regulations (2026)

### Problematika of Posbakum-General Court Relations in Resolving Internal Village Disputes in Indonesia

Issues in Posbakum-General Court relations stem from PERMA No. 1 of 2014's relatively broad assistive function design from consultation to minor criminal representation yet lacking operational jurisdictional limits, especially for adat village norm-originating disputes involving asset management (Rohmah et al., 2022). In Constitutional Court Decision No. 88/PUU-X/2012, this tension appears when cases filed as "legal aid representation" are re-examined and qualified as purely general criminal disputes. This raises questions on dispute object character: whether the issue is PERMA No. 1 of 2014 norm violations or merely customary breaches with village norm consequences. Conceptually, Posbakum should handle disputes from village officials' duty breaches or poor villagers' rights under PERMA No. 1 of 2014, not usurping courts' role in examining general criminal disputes (Arifalina & Kn, 2018).

The first legal problem lies in the conflict between Posbakum representation effectiveness claims and court coordination mechanisms. PERMA No. 1 of 2014 states representation is assistive, but practice allows court re-coordination. This dual construction obscures effectiveness, as Posbakum processes are often treated as pre-court stages rather than

final resolutions. The second problem concerns Posbakum's quasi-judicial character: it issues recommendations outside judicial power structures, so court coordination frequently serves as correction, even re-assessing dispute merits. This weakens legal certainty, as PERMA No. 1 of 2014 lacks explicit coordination scope, leading to varying court practices. Such differences amplify forum shopping risks and representation inequalities (Djajadibrata, 2025).

The third problem emerges in Posbakum representation without village officials' agreement. Though PERMA No. 1 of 2014 recognizes representation as an option, its Civil Code assistive nature requires written consent affirming voluntariness. Thus, processing cases without officials' approval violates voluntariness, risking procedural competency defects and court cancellations. Beyond reducing due process, this enables forum shopping as one party "forces" advantageous mechanisms. These issues intertwine with internal village dispute jurisdictional boundaries, Village Law BPD deliberation norms embodying customary *pacta sunt servanda*, directing adat disputes to village forums and questioning Posbakum legitimacy in usurping cases (M et al., 2025).

**Table 2. Juridical Problematika of Posbakum-General Court Relations**

Problematika Aspect	Legal Provision	Emerging Issues	Implications for Legal Certainty
Representation Nature	PERMA No. 1 of 2014	Assistive vs. court coordination contradiction	Uncertainty in Posbakum representation effectiveness
Coordination Mechanism	Article 1337 Civil Code	Unclear coordination procedures	Varying court interpretations
Authority Boundaries	Not explicitly regulated	Formal or substantive testing?	Courts re-examine, prolonging processes
Recommendation Execution	Article 114 Village Law	Unclear execution mechanisms	Difficult voluntary implementation
Institutional Hierarchy	Not explicitly regulated	Posbakum outside judiciary	Viewed as quasi-judicial with limits

Source: Processed from primary MK Decision data and related regulations (2026)

Based on Table 2 mapping, juridical problematika in Posbakum-General Court relations reveal structural and normative disharmony directly undermining village dispute legal certainty (Anggoro et al., 2025). Dualism in assistive representation regulation on one hand, yet openness to district court coordination on the other, creates ambiguity on recommendation effectiveness, positioning Posbakum as merely pre-court. Unclear coordination scope formal aspects or full merit re-examination causes non-uniform court practices and potential layered reviews. This is exacerbated by weak Posbakum recommendation execution designs reliant on courts, lacking institutional hierarchy clarity. Cumulatively, these trigger jurisdictional overlaps, forum shopping opportunities, increased costs/durations, and erode Posbakum's original fast, simple, free aid goals for the poor.

Normatively, Constitutional Court Decision No. 88/PUU-X/2012 corrects unilateral representation practices by affirming representation validity only with officials' violation acknowledgment and voluntary submission, or via court if villagers object (Pratama & Ruslie, 2026); it tightens procedures without shifting village dispute forums to Posbakum. Thus, the decision benchmarks asset management legality and weak-party protection instruments, but authority structures remain unchanged customary breach-core disputes, breach determinations, and executions principally fall under General Courts. Operational recommendations include revising PERMA No. 1 of 2014 to define "assistive" as limited coordination control, mandating explicit consents, standardizing national coordination, detailing execution procedures, and clarifying "internal village dispute" definitions.

From the normative construction in Constitutional Court Decision No. 88/PUU-X/2012, constitutional corrections to village asset representation practices must be understood not as expanding alternative legal aid competency, but affirming due process in customary rights enforcement stages (Wessy et al., 2024). The Court positions violation acknowledgment by officials and voluntary submission as representation prerequisites; refusals or customary breach disputes require court determination. Thus, the decision functions procedurally-protectively: limiting unilateral official actions to safeguard poor villagers without shifting adjudicative authority to General Courts. In internal village disputes, these constitutional parameters benchmark management legality and official good faith testing but cannot legitimize Posbakum for examining, determining customary breaches, or ordering village asset executions essentially absolute district court domains. Systemically, Posbakum authority must limit to legal aid norm violations in consultation/procedural aspects; village norm interpretation, breach proofing, and execution requests remain litigation jurisdiction. Practical implications demand regulatory harmonization via PERMA No. 1 of 2014 revisions: interpreting "assistive" as administratively final with limited coordination control, explicit consent mandates, national coordination standardization, and detailed execution "internal village dispute" definitions achieving legal certainty, forum shopping prevention, and proportional legal aid effectiveness (Banani, 2025; Sanur, 2023).

## CONCLUSION

The authority of Legal Aid Posts (Posbakum) and General Courts in resolving internal disputes in Rano Jaya Village, as affirmed by Constitutional Court Decision No. 88/PUU-X/2012, is confined to assistive, non-adjudicative roles for Posbakum limited to consultation and minor criminal representation under PERMA No. 1 of 2014 while General Courts retain exclusive jurisdiction over substantive determinations of customary breaches, asset executions, and norm interpretations under Village Law No. 6 of 2014. This addresses the core research objective by clarifying jurisdictional boundaries through statute, case, and conceptual approaches, revealing that Posbakum interventions without court coordination or voluntary official consent constitute *ultra vires* actions, as evidenced by the decision's procedural corrections and the Rano Jaya case's shift to full criminal litigation. Such delineation prevents forum shopping, ensures procedural legitimacy via BPD deliberations (Article 114), and upholds legal certainty by mandating explicit consents and standardized coordination, thereby fulfilling villagers' rights restoration without protracted overlaps. This study advances Indonesian legal science by operationalizing progressive legal theory (Rahardjo, 2019) and constitutional state principles (Asshiddiqie, 2010) into prescriptive harmonization models, recommending PERMA revisions for "assistive" scope clarification, national coordination standards, and execution protocols contributions that enhance juridical efficiency in village autonomy disputes and inform future regulatory reforms for equitable access to justice.

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