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Item 7 of the provisional agenda *

**Social and economic benefits, supporting sustainable
development, measures taken and proposed for the
implementation of resolutions**

**Civil lawsuit case arising from a lack of citizen participation
in geographical naming and renaming of features**

Submitted by Indonesia **

Summary

In February 2022, several people filed a class-action lawsuit against the Regent of Kebumen, the Governor of Central Java Province and the Head of the Geospatial Information Agency (Badan Informasi Geospasial), on behalf of the residents of Kebumen Regency. The lawsuit is regarding the geographical naming and renaming of 15 features (13 streets, 1 building and 1 bridge) in Kebumen Regency. The Kebumen Regency government was considered to have conducted the geographical naming and renaming without citizen participation and against Government Regulation Number 2 of 2021 on Standardization of Geographical Names

Government Regulation Number 2 of 2021 stipulates that citizen participation is required in the geographical naming and renaming procedure conducted by national and local governments. Furthermore, the Kebumen Regency government should have started the geographical naming process with data collection, and then changed the geographical names. Consequently, the Geospatial Information Agency has also been accused of negligence in coordinating geographical names standardization with the local government. In addition, the Geospatial Information Agency must refrain from verifying and validating data resulting from the geographic naming and renaming process by the Kebumen Regency government.

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The lesson learned from this case is that every stakeholder should work prudently in managing, engaging, conveying information and making decisions regarding geographical name standardization. Therefore, the Kebumen Regency government, the Central Java Provincial government and the Geospatial Information Agency should work closely together and coordinate extensively to prevent misinterpretation of implementing geographical naming and renaming as mandated in Government Regulation Number 2 of 2021.

Civil lawsuit case arising from a lack of citizen participation in geographical naming and renaming of features

Introduction

On 17 February 2022, the Head of BIG received a notification letter of a lawsuit from the Kebumen District Court. This summons intended to attend the investigation of the civil lawsuit cases regarding geographical features renaming, which are registered at the Registrar's Office of the Kebumen District Court with a registration number of 9/PDT.G/2022/PN.Kbm. Two Kebumen residents filed this lawsuit as plaintiffs, accompanied by a team of advocates from a non-profit organization based in Kebumen Regency.

The lawsuit was filed against the Regent of Kebumen as the main defendant, the chairman of the representative house of Kebumen as the second defendant, the Governor of Central Java Province as the third defendant, and the Head of BIG as the fourth defendant. The lawsuit stated that the defendants had committed an unlawful act on 17 December 2021. The Regent of Kebumen issued an announcement letter regarding the plan to rename a few street names and other geographical features while simultaneously inaugurating, announcing, and revoking the former nameplates to be replaced with new ones. The Regent of Kebumen renamed 13 street names, one building name, and one bridge name in the Kebumen area, along with claims to have held Focus Group Discussion (FGD) supported by religious leaders, community leaders, business actors, and other stakeholders.

The plaintiffs claimed that the renaming of the road had a direct impact on people who lived and owned businesses along it. This led to consequences such as the need for document amendments related to personal identification data, land or building ownership, vehicle ownership, tax, health, banking, business permit, and so on, resulting in wasted time, energy, thoughts, and costs for the affected residents. In addition, the plaintiffs asserted that the name change was not conducted in compliance with the existing legal regulations and that it lacked any urgency related to the betterment of the welfare of the Kebumen residents.

The plaintiffs invoked the Kebumen District Court's judge to punish the Regent of Kebumen to pay compensation to the plaintiffs for 2 million Rupiah for material losses and 50 billion Rupiah for immaterial losses due to the inflicted of renaming the street names and punish the other defendants to complying with the decision of the judge.

Chronology of the events

The chronology of renaming street names in Kebumen Regency begins in late December of 2021; the Kebumen governance bureau conducted initial coordination with BIG regarding their plan to alter a few street names in Kebumen. The Kebumen Government conveyed that they had conducted FGD with related parties in Kebumen regarding their program. BIG then stated that changing the street's name is the authority of the Provincial/Regent/City government. Unfortunately, at that particular time, there were no derivative regulations stemming from GR 2/2021. This lack of guidelines created confusion

regarding the process of renaming geographical names, especially for geographical names that have not yet been standardized.

This lawsuit initially came from a group of people questioning the street name alteration. They stated that they were not invited nor involved in the discussion of the name alteration. The Kebumen Regency Government argues that the installation of the new name signs on the 15 geographical features (shown in Fig. 1) is a part of the dissemination process. The example of the renamed street name is Soka Street, now called R. Bodronolo street. He was a hero who successfully expelled the *Vereenigde Oost-Indische Compagnie's* (VOC) member from the Panjer region (now Kebumen), was granted power, and later served as the Regent of Panjer in AD 1642-1657. However, a group of the community disagrees and sees it as a misguided move by the government for this unilateral geographical name alteration.



Figure 1. The screenshot of a few renamed street names in Kebumen Regency, Central Java Province, Indonesia

Soon after the lawsuit rolled out, BIG reviewed the data status of the 13 street names, one building name, and one bridge name in question. At that time, the data status was at the stage of requesting recommendations to the Central Java Provincial Government; this indicates that the data were not standardized yet. In accordance with GR 2/2021, the renaming of geographical names in Kebumen was deemed inappropriate due to the absence of a prior data collection process before its standardized.

In addition, according to GR 2/2021, the alteration process must involve other parties, such as the local community. The aspirations of the local community are needed because they recognize their area very well. They will be the first party to experience the impact of the renamed street names.

Therefore, the standardization process should refer to GR 2/2021, as summarized in Figure 2, which involves collecting geographical names data, verifying the data at the district/regency, provincial, and national levels, and announcing the verified data for 30 days to allow responses from ministries/agencies, local governments, and citizens. BIG will verify every response, suggestion and correction during the announcement period for 14 working days. After resolving disputes from the announcement process (if any) is to legalized/recognized/accepted/authorized the data as standardized geographical names. Finally, the standardized geographical names along with admin boun name will be assembled and published as the GRI. The GRI document represents a long and tedious process that resulted from intensive collaboration and coordination between stakeholders.

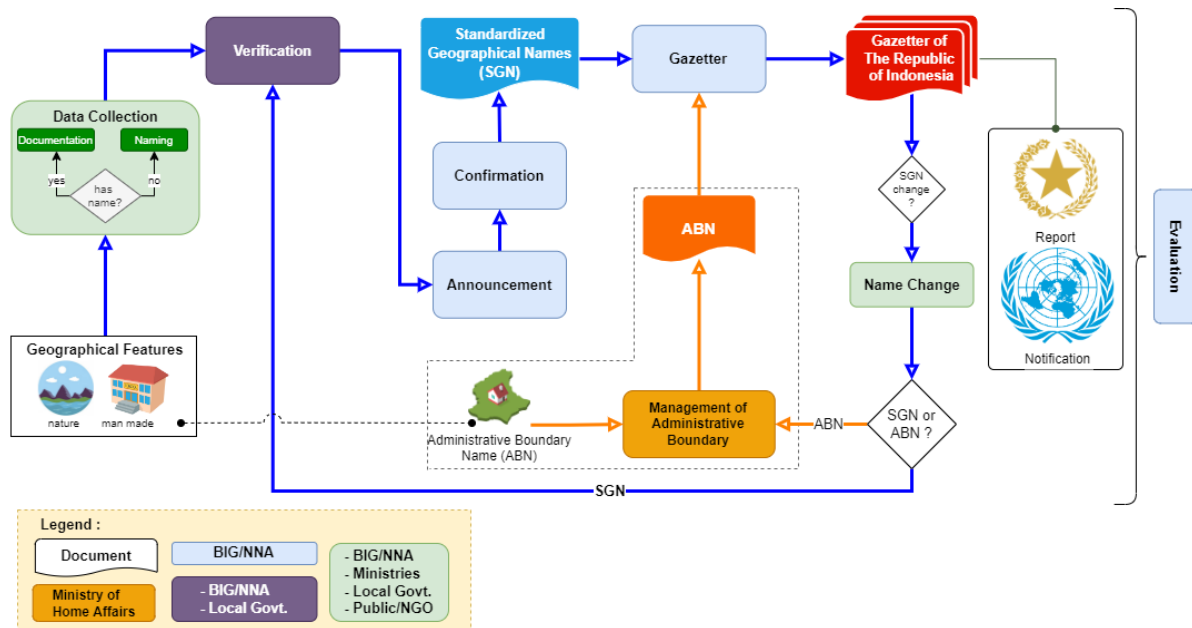


Figure 2. The flowchart of geographical name standardization according to the Government Regulation Number 2 of 2021

Ideally, geographical naming and renaming practices must involve experts and a broad community represented by traditional leaders/elders, who provide their perspectives from various viewpoints, such as history, language, statehood, and spatial studies. The community's views are essential to support the naming process and preserve local history and culture. The results from discussions with the community/individuals/experts are documented to become invaluable suggestions and supporting evidence for name changes/renaming of geographical features.

The legal proceedings and the resultant judgment

Tuesday, 8 March 2022, was the first trial that had to be attended by all the parties involved. This trial was the first stage for the hearing and the examination of administrative completeness by the panel of judges. The subsequent trial was held two weeks after the first with the agenda of examining the administrative competence of the parties legal attorney and agreeing to enter the mediation stage for 30 working days. During the mediation, the parties were provided with a conciliator judge who was responsible for mediating the two disputing parties and seeking possible peace settlements. During the mediation process, the conciliator judge instructed the involved parties to collaborate and generate a comprehensive summary outlining the subject matter at hand, along with any proposed peace agreements or solutions designed to benefit all stakeholders (win-win solutions). The trials were held weekly over the course of a seven-week period, beginning on March 23, 2022 and concluding on May 9, 2022. The following pictures describe the atmosphere during the first trial and the mediation stage.



Figure 3. First Trial at 8 March 2022



Figure 4. Mediation Trial at 22 March 2022



Figure 5. Mediation Trial at 5 April 2022



Figure 6. Mediation Trial at 12 April 2022

Up until 9 May 2022, the parties still encountered a dead end. The plaintiff remained with the same lawsuit. Consequently, the trial resumed on 10 May 2022, with the agenda of reading the plaintiff's lawsuit post-mediation. The next trial agenda was agreed to be held online through the e-court of the Supreme Court of the Republic of Indonesia. The plaintiffs and the defendants provided answers for the exceptions, replies, and rejoinders regarding the lawsuit, respectively, on May 17th, 24th, and 31st of 2022, through e-court.

On 7 June 2022, the panel of judges decided that the subsequent trial would be the initial evidence agenda, where the judge requested initial evidence in writing from the parties before giving an Interlocutory Decision. The upcoming trial agenda requires the parties to present evidence to substantiate their claims. On 14 June 2022, all parties submitted their initial evidence documents to the judge. The judge allowed the parties to submit additional evidence at the trial next week. At the trial on 21 June 2022, the plaintiff's legal attorney presented an expert witness for absolute competence according to their version. Then, on trial on 5 July 2022, the legal team of BIG submitted expert witnesses from the Law Faculty of Gadjah Mada University.

The conclusion from the expert witnesses stated that the lawsuit should have been in the realm of the State Administrative Court, not civil, and not within the jurisdiction of the Kebumen District Court to adjudicate. Furthermore, on 19 July 2022, the continuation of the trial with the agenda of Interlocutory Decision, the judge stated that they granted the exceptions of all the defendants regarding absolute competence. The judge declared that the Kebumen District Court was not authorized to adjudicate this case. However, on 4 August 2022, the plaintiffs filed an appeal to the Central Java High Court against the previous decision of the Kebumen District Court. The Central Java High Court responded to this in the same month by deciding that the plaintiff's appeal was rejected.

Discussions

The emergence of the civil lawsuit could be a result from a lack of coordination and communication between parties regarding the standardization of geographical names. The insufficient collaboration happens either between government officials or between government and non-government parties. This condition arises due to the need for a derivative regulation for GR 2/2021 that is expected to provide more comprehensive and detailed guidance for each stage of geographical names standardization. It is an established fact that legal documents often employ terms that are subject to

divergent interpretations by local governments or individuals. This indicates the imperative need for detailed derivative regulations. Once established, these derivative regulations can offer a clearer understanding of the procedures involved in managing geographical names and help standardize interpretation and implementation across all levels of governance.

In addition, it is important to provide examples of regions that have undergone geographical name standardization processes in accordance with established procedures, such as the government of Salatiga city, Sleman district, DIY province, and Central Java province. By presenting such examples, it is hoped will provide a clear understanding for geographical name standardization officials to carry out the process in compliance with established regulations.

Moreover, a collaboration with academic institutions is essential to enhance the technical aspects of geographical name standardization management. This collaboration allows for the synchronization of geographical name standardization with the latest scientific developments. Academic parties could also help local governments make accurate decisions from a scientific perspective.

Conclusion

In the future, all stakeholders should begin properly managing geographical names standardization according to the existing regulations. Starting by collecting data for the named geographical features and giving names to unnamed geographical features, then proceed to the verification and standardization process. The renaming process of standardized geographical names requires proper attention, especially with community involvement before the process is carried out. The proper practices will help to gather up the community aspirations so that the mandate of the GR 2/2021 to involve other parties can be fulfilled. Eventually, the friction between the government and the local community regarding geographical name management can be avoided.

Points for discussion

The Group of Experts is invited to:

1. Express its views on the report and discuss whether other countries have the same experience(s) towards the lawsuit related to the place naming.