

Indonesian Journal of Agrarian Law

ISSN: 3110-6633 (Online)

Vol. 3 Issue 3 (2026) 2028-2064

DOI: <https://doi.org/10.15294/jal.v3i3.49191>

Available online since: June 23, 2026



<https://journal.unnes.ac.id/journals/jal/index>

Juridical Analysis of *Overlapping Disputes of Land Rights Certificates* Study of Semarang District Court Decision Number 237/Pdt.G/2024/PN.Smg.

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Abstract

Disputes over land rights certificates are a problem that still often occurs in the practice of land law in Indonesia and shows the weak administrative system of land registration. To prove compliance with the concept of legal certainty and the social role of land, this study examines the judge's reasons in Decision Number 237/Pdt.G/2024/PN.Smg. This normative legal research uses a legal approach and a case approach through a literature review of primary, secondary, and tertiary legal sources that are analyzed in a qualitative descriptive manner. The findings of the study show that although land rights certificates serve as strong evidence, they can still be revoked if there is an administrative or legal error. From

Utrecht's perspective, legal certainty demands clarity of rules and protection of the public from arbitrary government actions, which in this case have not been fully fulfilled due to the overlapping of certificates. According to Gustav Radbruch, the law must reflect certainty, justice, and utility. The judge's decision shows an effort to balance the principle of legal certainty and the social function of land through examining the validity of the parties' rights. However, the proof of physical data and the possession of land objects shows the complexity of resolving the dispute. The legal implications of this dispute include the administrative responsibility of the Land Office, the potential for civil lawsuits, and the possibility of criminal liability if there is an element of intentionality.

Keywords

Overlapping certificates, legal certainty, land social functions, land responsibilities.

A. Introduction

Land is a very vital natural resource for the existence of society as a place to live, a source of income, and an asset that has important social and economic value.¹ Therefore, legal certainty regarding the status of land ownership is very important to ensure the legal protection of the community as land owners. Legal certainty in the field of land is needed to form a systematic land administration to provide a guarantee of legal protection for every person who legally owns or controls land. In the context of agrarian law in Indonesia, the state has the authority to regulate the legal relationship between humans and land so that its use can provide the greatest benefit for the welfare of the community.

The law on land rights in Indonesia is essentially regulated by Law No. 5 of 1960 concerning Agrarian Principles which is the main basis for the implementation of national agrarian law. The law emphasizes that the state has the authority to regulate the designation, use, and maintenance of earth, water, and space, including land within the territory of the Unitary State of the Republic of Indonesia.

¹ Boedi Harsono, *Indonesian Agrarian Law: The History of the Formation of UUPA, Its Content and Implementation*, Jakarta: Djambatan, 2008, p. 69

One of the efforts made by the government to ensure legal certainty regarding land rights is through the implementation of land registration. Provisions regarding land registration are further regulated according to Government Regulation Number 24 of 1997 concerning Land Registration, the government registers land in order to provide certainty and legal protection to land owners.²

Through the land registration system, each land parcel that has been registered will be issued a certificate as proof of land rights.³ Land rights certificates have a very important position because they serve as strong evidence of the legal and physical characteristics of the piece of land mentioned in it. This essentially provides a guarantee of legal certainty to the holder of land rights as long as the information in the certificate is in accordance with the information in the land book and the relevant survey letter. By using land rights certificates, it is able to create an orderly land administration and provide legal protection for land rights holders from various forms of disputes or claims from other parties.⁴

But in reality, various land problems still occur regularly in Indonesia. Land disputes caused by overlapping land rights certificates, or "*overlaps*", are a problem that often arises. If two or more certificates are issued for the same land object, either in whole or in part, then a conflict of certificate overlap arises. Ownership disputes between parties who believe they have legal rights to land can result from this situation. This problem can be caused by various factors, such as administrative errors in the land registration process, inconsistencies in physical and judicial data, lack of coordination between agencies, and illegal acts by certain parties.⁵

² Benny Djaja & Sherly Oktaviani, LAND PUBLICATION SYSTEM THAT GUARANTEES LEGAL CERTAINTY OF LAND RIGHTS CERTIFICATES" *Journal of Muara Sciences, Humanities, and Arts*, Vol. 7 No. 2 (2023) p. 524

³ Urip Santoso, *Agrarian Law: A Comprehensive Study*, Jakarta: Kencana, 2017, p.287

⁴ M. Ridwan, "Legal Protection of Land Rights Certificate Holders in Land Disputes", *Journal of Legal Sciences*, Vol. 8 No. 1, 2020, p. 55

⁵ R. Rahmawati, "Dispute Resolution of Dual Certificates in

The problem of overlapping certificates not only causes conflicts between the parties to the dispute, but also raises questions about the responsibility of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency through the local Land Office which is the institution authorized to issue land rights certificates.⁶ If there is an error in the process of issuing the certificate, this causes overlapping land rights, can cause losses to the community, and questions the scope of the Land Office's obligation to legally protect land rights holders.⁷

PN Decision Number 237/Pdt.G/2024/PN.Smg, which already has permanent legal force (*inkracht van gewijsde*), is one example of a land dispute related to the issue of overlapping land rights certificates. Based on the Certificate of Title (SHM) Number 1850, the plaintiffs in this lawsuit assert that they hold the right to the land. However, it is known that further certifications such as the certification of Building Rights (SHGB) Number 83 Karanganyar and Building Rights (HGB) Number 268 Karanganyar, have been issued on the same land object. These certificates are owned or controlled by the Defendant, a commercial body. The existence of several certificates on the same land object shows that there is an overlap of ownership certificates which then leads to land ownership transactions of the parties before the Semarang District Court 237/Pdt.G/2024/PN.Smg is the decision number.

The Plaintiff in the case argued that the land he owned had been controlled or utilized by the Defendant so that the Plaintiff could not enjoy the economic benefits of the land. This problem became the basis for the Plaintiff to file a civil lawsuit to obtain legal clarity regarding the disputed land ownership status. This problem has become even more complex because one of the disputed certificates, namely

Indonesian Land Law", *IUS Law Journal*, Vol. 7 No. 2, 2019

⁶ Adrian Sutedi, *Certificate of Land Rights*, Jakarta: Sinar Grafik, 2011, p. 45

⁷ Raniah Safira Azzahra et al. "LEGAL REVIEW OF PROPERTY RIGHTS CERTIFICATES IN CASES OF LAND OVERLAP" *Van Java Law Journal*, Vol. 1 No. 3 (2024) p. 161

SHGB Number 83, is known to have been used as debt collateral in banking transactions at Bank Central Asia with a very large value. This condition poses wider legal implications because the land object in dispute has been used in financial transactions involving third parties.

In addition to causing ownership disputes between the parties, the issuance of several certificates on the same land object also shows that there are problems in the implementation of land administration. The existence of these overlapping certificates not only creates legal uncertainty for the parties to the dispute, but also raises questions about the responsibility of the Land Office as the authorized agency in the implementation of land registration. Thus, the problem is not only related to the validity of the rights of the parties, but also concerns the legal implications arising from the issuance of overlapping certificates and legal protection for the parties to the dispute. Therefore, it is important to further examine the responsibilities of the Land Office and the legal implications posed in the Semarang District Court Decision Number 237/Pdt.G/2024/PN.Smg.

In addition to suing the party who controls the land, the Plaintiff also sued the Agrarian and Spatial Planning Office/National Land Agency of Semarang City as the party considered responsible for the issuance of the certificate that caused the overlap. This shows that land disputes are not only related to ownership conflicts between individuals or legal entities, but also concern the administrative responsibility of government agencies in organizing the land registration system in an orderly and accurate manner.

This decision shows that the panel of judges considered the principle that the certificate issued first can be used as a basis in determining the strength of the land right, while emphasizing that the assessment is not only based on the year of issue, but must also consider the validity of the underlying right. On the other hand, based on the facts revealed in the trial, it is known that the physical data of land objects has not been supported by strong evidence because no map of the field has been found that definitively proves the existence of overlap. This shows that the evidence in the case does not fully cover the physical and juridical aspects as

fully as expected in the land registration system. In addition, from the facts of the trial, it is also known that the plaintiff did not control the land for a long period of time and did not know the exact location and boundaries of the disputed area, while the defendant actually controlled and utilized the land, which was even associated with the provisions of Article 15 of the UUPA.

This picture shows that disputes over overlapping land rights certificates are a complex problem because they are related to ownership conflicts, legal certainty, legal protection for land rights holders, and the responsibility of authorized agencies in the implementation of land administration. Therefore, further analysis is needed regarding the legal considerations of the panel of judges in Decision Number 237/Pdt.G/2024/PN.Smg and its conformity with the principles of legal certainty and the social function of land in agrarian law in Indonesia.

This research uses normative legal research methods with a statute approach and a case approach.⁸ Examining various laws and regulations related to land law, especially those that regulate land registration and the validity of land rights certificates, such as Law Number 5 of 1960 concerning Agrarian Principles and Government Regulation Number 24 of 1997 concerning Land Registration, is how the legislative approach is applied. Meanwhile, the case approach is carried out by juridically analyzing the court decision that is the object of the research, namely Decision Number 237/Pdt.G/2024/PN.Smg. Research data is obtained through literature studies that include laws and regulations and court decisions function as core legal materials, while books and scientific publications on agrarian law function as secondary legal materials, as well as tertiary legal materials such as legal dictionaries. All of these legal materials are analyzed qualitatively by descriptive-analytical method to explain the responsibility of the Land Office for the issuance of overlapping certificates as well as the legal implications of court decisions on legal protection for land certificate holders.

According to Utrecht's perspective, there are two

⁸ Peter Mahmud Marzuki, *Legal Research*, Jakarta: Kencana, 2017

definitions of legal certainty. The first is the existence of broad norms that make people know what they can and cannot do.⁹ In the context of land, such legal certainty should be reflected through an accurate and accountable land registration system. However, the ongoing dispute over the overlap of certificates shows that the legal certainty has not been fully realized.

On the other hand, Gustav Radbruch revealed three basic values in law, namely the value of justice (*gerechtigkeits*), utility (*zweck* *lassigkeit*), and legal certainty (*rechtssicherheit*).¹⁰ These three values should run in a balanced manner in resolving land disputes, so as to provide not only administrative certainty, but also substantive justice and benefits for the community.

This study aims to analyze the judge's legal considerations in disputes over overlapping certificates and assess their compliance with the social function of land and the principle of legal certainty, as well as carrying out the duties of the Land Office.

B. Legal Principles in Dispute Resolution of Land Certificate Overlap

If two parties or better an individual, organization, or legal entity have a claim or right to the same piece of land, then in agrarian law it is called an overlap. Administrative errors, gaps between legal and physical data, or inadequate monitoring systems in land registration procedures can all contribute to this condition. Legal uncertainty and the possibility of agrarian conflicts in society are caused by this situation. This is in line with what Boedi Harsono believes.¹¹ As a result, this situation creates legal uncertainty and has the potential to trigger land disputes in the community. This

⁹ Riduan Syahrani, *Sumkuman Intisari Ilmu Hukum*, (Bandung: Citra Aditya Bakti Publisher, 1999), p. 23.

¹⁰ Satjipto Rahardjo, *Legal Studies* (Bandung: Cintra Aditya, 2014), p. 19.

¹¹ Harsono, Boedi. (2005). *Indonesian Agrarian Law: The History of the Formation of the Basic Agrarian Law, Its Contents, and Implementation*.

opinion shows that the validity of a certificate is not only determined by its formal existence, but also by the accuracy of the administrative process that underpins it.

In addition, Maria S.W. Sumardjono in *Land in the Perspective of Economic, Social, and Cultural Rights* stated that the incompatibility of land data between agencies and the absence of validation in the issuance of certificates often result in overlapping land rights, resulting in the issuance of two certificates for the same land.¹² Because this can lead to misunderstandings about who actually owns the land, this situation is often the main cause of overlap. For example, they will argue about who really owns the land if someone prays to someone else who has a title certificate.

Thus, a double certificate is a concrete form of overlapping land rights, when the same piece of land, either in whole or in part, is protected by two or more certificates. This situation is the main source of land disputes because it causes ownership conflicts and legal uncertainty for the parties concerned.¹³

1. The position of certificates as strong evidence

Normatively (*das sollen*), the land registration system in Indonesia has been designed to ensure legal certainty. But in reality (*das sein*), there is still an overlap of certificates that show the gap between practice and norms.

According to Article 32 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, land rights certificates are considered important evidence in the Indonesian land law system. According to this paragraph, a certificate is a proof of right that is a reliable source of information regarding the legal and physical material contained in it, as long as it cannot be proven in court.¹⁴ In

¹² Sumardjono, Maria S.W. (2001). *Land in the Perspective of Economic, Social and Cultural Rights*. Yogyakarta: Kompas Media Nusantara.

¹³ Rosa Tiara Pramudita Dewi & Asmarani Ramli, "Analysis of Overlapping Land Rights Ownership (Case Study in Muktiharjo Kidul Village, Semarang City)", *Book Chapter Law and Environment*, pp. 1606-1607

¹⁴ Siti Juliaha, "THE POWER OF TITLE CERTIFICATES AS

addition, Government Regulation Number 24 of 1997 Article 32 paragraph (2) provides legal protection to certificate holders who truly own land and obtain their rights in good faith. In this case, the certificate cannot be challenged if it has met certain conditions, thus strengthening the position of the certificate in providing legal certainty. This case shows how the land registration system in Indonesia adheres to the notion of negative publications with a positive component, where the state provides administrative guarantees but does not guarantee absolute material truth.¹⁵

Thus, a certificate is not an absolute piece of evidence,¹⁶ but only a strong piece of evidence that can still be refuted with other evidence. The difference between strong evidence and absolute evidence lies in its nature, where strong evidence still allows for counter-proof, whereas absolute evidence is inviolable. Therefore, in judicial practice, in addition to assessing the existence of the certificate, the judge also considers other factors such as the validity of the basis of rights, the history of land acquisition, and physical control over the object of dispute.

In addition, the power of proof of the certificate is also related to the principle of legal defense for those who have rights.¹⁷ Through the land registration system, the state hopes to provide legal certainty for land rights holders. But this protection is not without exceptions, as a strong proof certificate can still be revoked if it is proven that the issuance procedure has administrative or legal weaknesses. Thus, a certificate is not only seen as an administrative document,

EVIDENCE IN LAND DISPUTES: AN ANALYSIS OF LEGAL CERTAINTY OR PSEUDO-CERTAINTY", *Indonesia of Journal Business Law*, Vol. 5 No. 1 (2026) p. 65

¹⁵ Rahmat Ramadhani, S.H., M.H.: *INDONESIAN LAND LAW AND ITS DEVELOPMENT*, (Medan: UMSU PRESS, 2022) p. 113

¹⁶ Siti Juliaha, 'THE POWER OF TITLE CERTIFICATES AS EVIDENCE IN LAND DISPUTES: AN ANALYSIS OF LEGAL CERTAINTY OR PSEUDO-CERTAINTY', *Indonesia of Journal Business Law*, Vol. 5 No. 1 (2026), p. 57

¹⁷ Christiana Sri Murni & Sumirahayu Sulaiman, "LAND TITLE CERTIFICATES ARE PROOF OF LAND OWNERSHIP RIGHTS", *LEX LIBRUM: Journal of Legal Science*, Vol. 8 No. 2 (2022) p. 197

but must also be substantially tested to ensure the validity of the rights listed in it.

According to Utrecht, legal certainty has two meanings: first, the existence of general rules that let the public know what can and cannot be done; second, it refers to the legal protection that the regulation provides against the arbitrary actions of the government.¹⁸ In the context of land registration, a certificate as a strong evidence should provide legal certainty, both in the form of clarity of the status of rights and protection of rights holders from state administrative errors. However, because the certificate is not an absolute evidence, the legal certainty provided is still relative and can be tested in court.

To clarify the difference between the ideal conditions expected in the land registration system and the reality that occurs in the practice of land disputes, the following is presented an analysis of the gap between *das sollen* and *das sein* in disputes over overlapping land rights certificates.

Table 1. Analysis of the gap between *das sollen* and *das sein* in the dispute over the overlap of land rights certificates.

No.	Legal Aspects	The Ought (Norma Hukum)	Das Sein (Facts in Verdict)	Gap
1.	Certificate Ranking	Strong evidence (Article 32 PP No. 24/1997)), not absolute.	Plaintiff's SHM (1990) vs Defendant's SHGB (2005 and 2020) Overlap	Proof is not optimal because there is no definite field map.
2.	Legal Certainty (Utrecht)	There are general rules and security from the arbitrariness of the government.	The ambiguity of the object of the dispute undermines legal certainty and protection for the parties	Legal certainty has not been fully realized.

¹⁸ Riduan Syahrani, *Sumkuman Intisari Ilmu Juri*, Citra Aditya, Bandung, 1999, p. 23.

3.	Social Function of Land (Article 6 of the UUPA)	Land rights are not absolute, they must benefit the community.	The Defendant uses the land for business, the Plaintiff does not control the land	Judges do not consider the aspect of physical mastery as a social function.
4.	Protection of Rights Holders	Holders of certificates of good faith and real control of the land are protected	The defendant controlled the land, but the certificate was ordered to be crossed out/corrected	Protection prioritizes formal aspects over physical control.

Source: Decision Number 237/Pdt.G/2024/PN.Smg

This principle then becomes the basis for the judge's consideration in resolving certificate overlap disputes as reflected in Decision Number 237/Pdt.G/2024/PN.Smg.

2. Application in Decision No. 237/Pdt.G/2024/PN.Smg

Decision Number 237/Pdt.G/2024/PN.Smg provides a real example of how the idea of the power of proof of certificates as strong evidence is applied in judicial practice. In assessing the validity of the land rights in this case, the Panel of Judges used a method that considered formal and substantive factors. An initial consideration used is the chronological aspect of the issuance of certificates, where the Plaintiffs' Property Rights Certificates have been issued since 1990, while the Defendants' Building Use Rights Certificates have been issued in 2005 and 2020.

To make it easier to understand the position of the parties, the chronology of the issuance of the certificate, and the object of dispute in this case, the following table of the chronology and object of dispute in Decision Number 237/Pdt.G/2024/PN.Smg.

Table 2. Chronology of the Object of Dispute in Decision Number 237/Pdt.G/2024/PN.Smg.

No.	Parties	Certificates owned	Year of Publication	Physical Mastery Status
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1.	Plaintiff	Certificate of Ownership (SHM) Number 1850	1990	Not in control, not knowing the boundaries of the land
2.	Defendant	SHGB Number 83 and SHGB Number 268 (Karanganyar)	2005 and 2020	Controlling and utilizing the land in real terms
3.	Related Parties	Bank Central Asia (as a Creditor)	-	Receiving SHGB Number 83 as debt collateral

Source: Decision Number 237/Pdt.G/2024/PN.Smg.

To provide a clearer picture of the position and extent of the object of dispute in Decision Number 237/Pdt.G/2024/PN.Smg, the following is presented a visualization of the land parcels that are the object of dispute, namely SHM Number 1850/Karanganyar owned by Budi Prasetyo, SHGB Number 83/Karanganyar on behalf of PT New Ratna Motor, and SHGB Number 268/Karanganyar on behalf of PT Ahabe Niaga Selaras.

Table 3. Extensive Details of the Land Object in Dispute

No.	Certificates	Rights Holders	Year of Publication	Land Area
1.	SHM No. 1850/Karanganyar	Stuart Prasetyo	March 12, 1990	±18,828 m ²
2.	SHGB No. 83/Karanganyar	PT New Ratna Motor	January 20th, 2005	±100,771 m ²
3.	SHGB No. 268/Karanganyar	PT Ahabe Niaga Selaras	14 January 2020	±4,561 m ²

Source. Processed from the Semarang District Court Decision Number 237/Pdt.G/2024/PN.Smg.

Figure 1. Plotting of Disputed Land Objects**Description:**

- a. The purple line shows SHM Number 1850/Karanganyar in the name of Budi Prasetyo with an area of $\pm 18,828 \text{ m}^2$.
- b. The green line shows SHGB Number 83/Karanganyar on behalf of PT New Ratna Motor with an area of $\pm 100,771 \text{ m}^2$.
- c. The blue line shows SHGB Number 268/Karanganyar on behalf of PT Ahabe Niaga Selaras with an area of $\pm 4,561 \text{ m}^2$.
- d. The image shows an overlap between SHM Number 1850/Karanganyar and SHGB Number 83/Karanganyar and SHGB Number 268/Karanganyar.

Based on the drawing, it can be seen that there is a slice of land between SHM Number 1850/Karanganyar and SHGB Number 83/Karanganyar and SHGB Number 268/Karanganyar. This condition shows that there is an overlapping certificate of land rights which then became the subject of dispute in this case.

Based on the ruling, the panel of judges basically granted the Plaintiff's lawsuit in part, and ordered the striking of the Building Rights Certificate Number 268 and the correction of the Building Rights Certificate Number 83 as long as it was found to overlap. The verdict shows that the judge did not necessarily cancel all of the Defendant's certificates, but only on the parts that were clearly proven to be *overlapping*, thus reflecting a proportionate approach.

In jurisprudence, the Supreme Court tends to judge that in the event of a double certificate, the certificate issued earlier has more weight as evidence. as reflected in the Supreme Court Decision Number 976 K/Pdt/2015. However, in a quo case, the panel of judges does not make the time factor an absolute determinant. The judge still assesses the validity of each party's rights, including the land acquisition process and whether there is a legal transfer of rights.

These considerations show that the judge based his decision on a combination of the power of proof of the certificate, the validity of the basis of rights, and the results of the proof at trial, so that he did not solely adhere to the chronological aspect of the issuance of the certificate.

To clarify the compatibility between the theory of land law and its application in Decision Number 237/Pdt.G/2024/PN.Smg, the following is presented a comparison of legal theory and its application in the decision.

Table 4. Comparison of Legal Theory with Its Application in Decision Number 237/Pdt.G/2024/PN.Smg.

No.	Legal Theory	Key Concepts	Application in Decision No. 237/Pdt.G/2024/PN.Smg	Author's Criticism/Rating
1.	Legal Certainty (Utrecht)	1. Clear General Rules 2. Security from government arbitrariness	The unclear object of dispute (field map) indicates that the rules have not been implemented properly.	Legal certainty has not yet been fully realized
2.	The Three Basic	Keadilan (justice), Kemanfaatan	Judges are able to balance, but are more dominant on	The value of justice and usefulness is

refers to the protection of the public from government arbitrariness because the general rule allows the public to know what the state can impose or do against them.¹⁹ In this case, the unclear object of dispute and weak evidence indicate that legal certainty has not been fully realized, so that legal protection for the parties is not optimal.

According to the author, the judge's approach in this case has basically led to substantive justice because it does not only adhere to formal administrative aspects. However, these considerations are not fully comprehensive because they have not been supported by strong physical data evidence, especially regarding the clarity of the boundaries and location of the object of dispute. This case raises the prospect of future legal ambiguity and the emergence of new disputes.

Therefore, it can be said that although the judge has tried to strike a balance between legal certainty and justice, the quality of the evidence in this case is a key factor that determines the judge's judgment strength, which will be analyzed in the next section.

3. Disadvantages of proof

In this case, the evidentiary aspect is one of the weak points that is quite significant and affects the judge's judgment. One of the main drawbacks is the absence of a definite and accurate map of the field to clearly show the location and boundaries of the object of dispute. Uncertainty regarding the location and boundaries of the object of dispute has the potential to cause obscure libel, namely a lawsuit that is vague because the object is unclear. In fact, in certificate overlap disputes, the clarity of the object is very fundamental to determine whether *overlapping* really occurs or not.

To clarify the form of evidentiary weaknesses found in this case and its legal implications, the following is presented a table of evidentiary weaknesses in the verdict and its implications.

¹⁹ Riduan Syahrani, *Sumkuman Intisari Ilmu Hukum*, Citra Aditya Bakti Publisher, Bandung, 1999, p. 23.

Table 5. Weaknesses of Evidence in Decisions and Implications.

No.	Types of Disadvantages	Description in the Verdict	Legal Implications
1.	Ambiguity of the Object of Dispute	There is no definite and accurate map of the area to show the location and boundaries of the overlapping lands.	The potential for Obscur Libel (fuzzy lawsuits), makes it difficult for judges to ensure overlapping.
2.	Weak Physical Control of the Plaintiff	The plaintiff does not control the land, does not know the boundaries and real conditions of the land for a long time.	Weakens the Plaintiff's evidentiary position because there is no factual relationship with the object of the dispute.
3.	Lack of Supporting Evidence	The evidence of the measurement results of the Land Office is not comprehensive and convincing.	The Plaintiff's argument lacks convincing to the judge, the burden of proof (Article 1865 of the Civil Code) is not met

Source: Decision Number 237/Pdt.G/2024/PN.Smg. and Article 1865 of the Civil Code.

In civil procedure law, the burden of proof lies with the postulating party as stipulated in Article 1865 of the Civil Code.

In addition, the plaintiff also did not physically control the disputed land and did not know in detail the boundaries of the land in the field. This condition weakens the plaintiff's evidentiary position because in land law, physical possession (*bezt*) is one of the important indicators in proving the legal relationship between the subject and the land object. Even in this case, it was stated that there were measurement and mapping results from the Land Office which showed that there was an overlap of certificates. In the doctrine of civil law, physical control (*bezt*) not only indicates the existence of a factual relationship with the object, but can also be the basis

for legal protection as long as it is carried out in a real, continuous, and undisturbed manner. Therefore, the absence of physical control by the plaintiff over a long period of time further weakens his claim to his rights to the disputed land. This condition indicates that the overlap of certificates can be caused by administrative errors in the land registration procedure as well as disputes between the parties.

According to the author, the weakness in this proof shows the suboptimal evidence submitted, both from an administrative and technical perspective. In a dispute like this, the parties should present more comprehensive evidence such as field maps, official survey results, and clear evidence of physical mastery in order to strengthen their respective arguments.

The unclarity of the object of dispute due to the absence of a definite map of the field indicates that the principle of legal certainty is not fulfilled, so that it has the potential to cause uncertainty for the parties.

In addition, the overlapping of certificates in this case also shows the existence of potential weaknesses in land administration. In this case, the Land Office as the authorized agency in the issuance of certificates has the responsibility to ensure the accuracy of physical data and juridical data before issuing certificates. If there is an error that results in an overlap of certificates, it can be categorized as an administrative defect that has the potential to give rise to legal liability for the agency concerned.²⁰ Therefore, this dispute not only reflects the conflict between the parties, but also demonstrates the importance of increased accuracy and accountability in the land registration system.

C. Social Function of Land and Physical Control in Land Disputes

1. The Importance of Social Function

²⁰ Ezekiel Ludwyg Milala et al. "JURIDICAL ANALYSIS OF THE VALIDITY OF LAND CERTIFICATES ISSUED IN OVERLAP (STUDY OF THE SUPREME MAKHAMAH DECISION NUMBER 392 K/TUN/2022)", *Lex Generalis Legal Journal*, Vol. 6 No. 9 (2025), p. 20

In Indonesian land law, every land right has a social function, in accordance with Law Number 5 of 1960 concerning Agrarian Principles (UUPA), Article 6. According to Indonesian agrarian law, no land rights are thus unqualified. On the other hand, these rights are limited by the public interest because every right to land has a social function. Based on this provision, land rights must include the interests of the community, the state, and the state as a whole and not solely used for personal interests. Thus, in addition to having the power to manage and utilize land, the owner of land rights, but also burdened with the obligation to utilize the land optimally, productively, and not abandon it. In fact, in the practice of land law, land that is not used or abandoned can be subject to legal action by the state because it is contrary to the principle of the social function of the land.²¹

In addition, the obligation of land rights holders to maintain and actively utilize land is also emphasized in Article 1 which states that every individual or organization that legally has a relationship with the land is obliged to protect it from damage. This provision further emphasizes that land rights are not only passive, but also contain the obligation to cultivate and utilize land optimally.

Furthermore, the idea of the social function of land illustrates how Indonesian agrarian law prioritizes justice and social welfare in addition to the clarity of formal law. Within this framework, land is seen as a resource that has strategic importance for the survival of the community in addition to being an object of individual rights. Therefore, real, active, and sustainable use of land is an important indicator in assessing whether a land right is exercised in accordance with its social function or is misused.

In line with this, physical control (*bezi*) over land becomes relevant as an indicator of the existence of a real relationship between the subject of law and the object of land. In this context, physical mastery not only indicates the existence of factual relationships, but also reflects the actual implementation of the social functions of the land on the ground. Physical control shows that the land is not only

owned administratively, but also used concretely in daily life. Thus, the existence of the social function of land cannot be separated from the real physical control and utilization aspect in the field. In land disputes, this aspect of physical control is often used as one of the considerations to assess the party that has the most tangible relationship with the disputed land object.

The three basic principles of law put forward by Gustav Radbruch are the principle of justice (*gerechtigkeits*), the principle of utility (*zweck lassigkeit*), and the principle of legal certainty (*rechtssicherheit*).²² In the context of land, the social function of land can be understood as a manifestation of these values, where land rights not only provide legal certainty for the holders, but must also provide benefits to the community and reflect social justice

Thus, land is not solely seen as an object of individual rights, but also has a social dimension that demands responsible use. Real land ownership and use is important to ensure that land contributes to the welfare of the community, so that it is in line with legal objectives that prioritize benefits and justice.

2. Facts of the trial

In Decision Number 237/Pdt.G/2024/PN.Smg, the facts revealed at the trial show that there are significant differences between the parties, especially in terms of physical control and use of the disputed land. Based on the evidence submitted and the statements of the parties, it is known that the object of dispute is a piece of land that is administratively listed in several different certificates, namely the Plaintiff's Certificate of Ownership (SHM) and the Defendant's Building Rights Certificate (SHGB).

From the results of the examination at the trial, it was revealed that the Defendant, which is a business entity, has controlled and utilized the land effectively for a certain period of time. The control is not only formal, but also manifested in the form of the use of land for business activities, which shows that there is a strong factual relationship between the

²² Satjipto Rahardjo, *Law* (Bandung: Cintra Aditya, 2014), p.19.

Defendant and the object of dispute. This physical control takes place continuously and without interruption for a certain period of time, so that in practice land law can be associated with the existence of good faith in land tenure.²³

On the other hand, the Plaintiff cannot prove the existence of physical control over the land for a long period of time. Based on the facts of the trial, the Plaintiff also did not know the exact location, boundaries, or real condition of the land objects in the field. This condition shows the weak factual relationship between the Plaintiff and the object of dispute, so that the Plaintiff's evidentiary position becomes less strong, even though he administratively has a certificate of land rights.

In addition, the trial also revealed that evidence related to the physical data of the land, such as field maps or accurate measurement results, was not adequately presented by the parties. The absence of such evidence causes uncertainty regarding the boundaries of the object of dispute, making it difficult for the judge to ascertain for sure whether there is indeed an overlap of the certificates in whole or only in part. In fact, although there are indications of measurement results from the Land Office that show overlap, the evidence has not been able to provide a comprehensive and convincing picture regarding the location and area of the disputed land plot.

In the context of civil procedure law, this condition is related to the burden of proof that is on the postulating party, as stipulated in Article 1865 of the Civil Code. The Plaintiff's inability to present strong evidence, both administratively and factually, caused the evidence presented to be less convincing before the judge.

Furthermore, the facts of the trial also show that the disputed land has been used by the Defendant, which in the perspective of agrarian law can be attributed to the principle of the social function of the land. The real use of the land by

²³ Eddy Marek Leks & Fitri Nabilla Aulia, "APPLICATION OF ARTICLE 32 PARAGRAPH (2) OF GOVERNMENT REGULATION NUMBER 24 OF 1997 CONCERNING LAND REGISTRATION BY THE COURT", *Journal of Legal Paradigm*, Vol. 8 No. 1 (2023) p. 8

the Defendant shows that the land is not in an abandoned state and has a useful value for economic activities. This is one of the indicators of a more real relationship between the Defendant and the land object compared to the Plaintiff who does not control or use it directly.

However, physical control is not necessarily the sole basis for determining the ownership of land rights. In the Indonesian land law system, physical control must still be supported by the validity of the legal basis in order to be legally recognized. Therefore, in this case, the judge is faced with the need to assess in a balanced manner between administrative evidence in the form of certificates and factual conditions in the field in the form of land tenure and utilization.

Thus, the facts of the trial in this case show that the dispute that occurred was not only related to an administrative conflict in the form of overlapping certificates, but also involved factual aspects regarding the possession and use of land. The imbalance between the strength of administrative evidence and factual evidence is then one of the important factors that affect the judge's consideration in deciding the case.

3. Criticism of the verdict

The decision in this case has basically tried to balance aspects of legal certainty and justice, but how in its implementation there are still some weaknesses that need to be criticized. Although the panel of judges in this case has considered the formal aspects and the validity of the rights grounds, in further analysis it is seen that the aspects of the social function of land and physical control have not been taken into proportionate considerations. In fact, in land disputes, real land control and utilization is an important indicator in assessing whether a land right is carried out in accordance with its social function.

According to the author, the tendency of judges to focus more on formal administrative aspects has the potential to ignore the social realities that occur in the field, so that the resulting decisions do not fully reflect substantive justice. The judge should have paid greater attention to the

fact that the defendant actually controlled and used the land, while the plaintiff did not show physical possession over a long period of time. This condition should be an important factor in assessing the strength of the legal relationship between the parties and the object of the dispute. If the aspect of physical control is ignored, then there is a potential that the resulting decision is only oriented to the formal administrative aspect without considering the social reality on the ground. In judicial practice, physical control is often used as an important indicator to assess the real relationship between legal subjects and land objects, especially in disputes related to land control and utilization.

Therefore, it can be said that the judge's consideration in this aspect still does not fully reflect a comprehensive approach to land dispute resolution. Furthermore, the lack of emphasis on the social function of land in the consideration of judges can lead to an imbalance in the application of agrarian law, where land rights are seen solely as individual rights without regard to their social dimension. This has the potential to contradict the spirit of the UUPA which places land as a means to achieve the welfare of the community at large. If this approach is maintained, it has the potential to set a bad precedent in the settlement of land disputes, especially in the case of overlapping certificates, where parties who actually control and utilize the land do not receive optimal legal protection.

Legal certainty has indeed been sought through the recognition of formal evidence, but without considering the physical control and social function of the land, the value of justice and usefulness is not fulfilled. Therefore, in resolving land disputes, judges should not only focus on administrative evidence, but also take into account the real aspects of land use as part of a comprehensive assessment. And the dominance of the formal approach in this decision shows that the value of legal certainty takes precedence over justice and utility, so that the balance of the three basic legal values has not been fully achieved.

Thus, physical control (*bezi*) and real use of land should be one of the important factors in assessing the strength of land rights, in such a way that the final decision

reflects substantive justice and real benefits for people's lives and provides legal certainty. This is important so that agrarian law can function as a tool of administrative certainty as well as a path to social justice, which is the main goal of the UUPA.

D. Responsibility of the Land Office for the Issuance of Overlapping Certificates

The discussion of the responsibilities of the Land Office in this chapter is a continuation of the analysis in the previous chapter, which shows that disputes over overlapping certificates are not only caused by conflicts between parties, but also related to weaknesses in the land administration system.

1. *Obligations of the Land Office in land registration*

The Land Office as an authorized agency in the implementation of land administration has a legal obligation to ensure the completion of land registration accurately, efficiently, and provides legal certainty to the community. In order to ensure legal clarity, the government registers land throughout Indonesia in accordance with Article 19 of Law Number 5 of 1960 concerning Agrarian Principles (UUPA), which is the normative basis for these requirements.

In addition, every land right has a community purpose, in accordance with Article 6 of Law Number 5 of 1960 concerning the Basic Agrarian Regulations (UUPA) and Article 3 of the UUPA stipulates that the implementation of agrarian is aimed at the greatest prosperity of the people. The principle of social function shows that the public interest and welfare of the community must be considered in using land rights.²⁴

From the perspective of agrarian law, the social function of land reflects the balance between the interests of individuals, communities, and the state in land use. Therefore,

²⁴ Dios Ferdian Harefa et al., "THE SOCIAL FUNCTION OF LAND OWNERSHIP IN SUPPORTING DEVELOPMENT IN INDONESIA ACCORDING TO LAW NUMBER 5 OF 1960 CONCERNING BASIC REGULATIONS ON AGRA PRINCIPLES", *Lex Administratum*, Vol. VIII No. 3 (2020) pp. 89-90

in carrying out land registration, the Land Office is not only oriented to the administrative aspect, but must also pay attention to the social interests and land benefits for the community in order to realize legal certainty and people's welfare.²⁵

Furthermore, Articles 30 to 34 of Government Regulation Number 24 of 1997 concerning Land Registration regulate in detail the various stages of land registration, including the collection and processing of physical data, proving and documenting rights, and issuing certificates as proof of rights. To avoid mistakes that can cause disputes in the future, the Land Office is obliged to carefully verify and validate both physical facts and legal facts at each step.

According to Utrecht's perspective, there are two definitions of legal certainty. The first is the existence of broad norms that make people know what they can and cannot do. While the second interpretation refers to the legal protection of a person from the arbitrariness of the government because the broad norms allow the public to know what can be prosecuted and what the state can do about it.²⁶ Therefore, the issuance of overlapping certificates indicates a violation of the principle of legal certainty, because the public does not receive proper legal protection from state administrative actions.

The *principle of nemo plus juris*, which emphasizes that the community cannot transfer land rights beyond what it already has, must also be considered in the issuance of certificates in this situation.²⁷ This principle has the

²⁵ Made Kharisma Putri et al., "IMPLEMENTATION OF ARTICLE 3 OF LAW NUMBER 5 OF 1960 CONCERNING BASIC REGULATIONS ON AGRARIAN PRINCIPLES ON CUSTOMARY RIGHTS TO LAND IN YEH SANIH TRADITIONAL VILLAGE", *Journal of Sui Generis Law*, Vol. 4 No.1 (2024) p. 12

²⁶ Utrecht dalam Edwin Buitelaar dan Niels Sorel, "Between the Rule of Law and the Quest for Control: Legal Certainty in the Dutch Planning System," *Land Use policy* 27, no. 3, (2010): 983- 989.

²⁷ Syarifah Hasna Ritonga et al. "Implementation of the Nemo Plus Juris Principle Related to Legal Acts on Land Before PPAT (Case Study of Supreme Court Decision Number 2678 K/PDT/2015)", *Journal of Law & Policy Review*, Vol. 1 No. 2 (2023), p. 199

consequence that the validity of the certificate is highly dependent on the validity of the previous right, so the Land Office is obliged to conduct careful research on the validity before issuing a land rights certificate.

Thus, the obligations of the Land Office are not only administrative, it contains legal responsibilities to determine that every certificate issued has a valid legal basis, is supported by accurate data, and does not cause conflicts in the future.

2. Facts in the verdict

In Decision Number 237/Pdt.G/2024/PN.Smg, the Plaintiff not only sued the party who controlled the land, but also sued the Semarang City Land Office as the party considered responsible for the issuance of the allegedly overlapping certificates. This shows that the dispute that occurred was not solely a civil dispute between the parties, but also involved an administrative aspect in the implementation of land registration.

Based on the facts of the trial, it is known that there are several certificates issued on the same land object, namely the Plaintiff's Property Rights Certificate and the Building Use Rights Certificate belonging to the Defendant. This condition indicates the potential for errors in the land administration process, both in terms of measurement, mapping, and verification of juridical data.

In addition, the absence of a clear and accurate field map in the evidence shows that the physical data aspect of the land object has not been supported by adequate evidence. In addition, effective coordination between parties involved in the land registration process is an important factor to prevent the occurrence of overlapping certificates.

Certificates issued under these conditions can be categorized as certificates that contain legal defects, both administrative defects and juridical defects, so that they have the potential to cause disputes in the future.

Thus, the involvement of the Land Office in this case cannot be separated from its responsibility as an authorized agency in issuing certificates. The issuance of certificates that overlap shows that in essence, the land administration

system has weaknesses that should be avoided through more accurate and comprehensive data verification.

3. Legal implications

The issuance of overlapping certificates in this case raises various complex legal implications, both from administrative, civil, and criminal aspects. From the administrative aspect, the issuance of overlapping certificates can be categorized as administrative defects. In this case, the Land Office can be held accountable for errors in the land registration process. These administrative defects can be the basis for the cancellation of the certificate, either through an administrative mechanism by the authorized agency or through a court decision.²⁸

From the civil aspect, a lawsuit can be filed by parties who suffer losses due to defects in the issued certificate, compensation based on unlawful acts as stipulated in Article 1365 of the Civil Code. Unlawful acts in land disputes generally occur due to the possession or use of land without a legal basis of rights, which causes losses to other parties. The losses incurred are not only in the form of loss of land rights, but also the inability to use the land and the loss of economic potential from the land.

In this context, if it is proven that there is an error or negligence in the process of issuing certificates, including by land agencies, then it can be the basis for civil liability. This is in line with the view that double certificate disputes are not only caused by the parties, but can also be caused by the carelessness of land registration officers.²⁹ Thus, unlawful acts that cause losses must be accompanied by liability in the form of compensation as a form of restoration of the

²⁸ Rossa Silvia Ananda et al., "THE EVIDENTIARY POWER OF LAND RIGHTS CERTIFICATES IN LAND DISPUTES: A STUDY ON THE LAND REGISTRATION MECHANISM BASED ON THE UUPA AND GOVERNMENT REGULATION NUMBER 24 OF 1997, *Journal of Law and Citizenship*, Vol. 16 No. 1 (2025)

²⁹ Puji Rahmawati et al, "UNLAWFUL ACTS ON THE POSSESSION OF LAND OWNERSHIP IN DOUBLE CERTIFICATES", *Lex Generalis Law Journal*, Vol. 6 No. 9 (2025) p. 1

rights of the aggrieved party.³⁰ In addition, under certain conditions, if it is proven that there is an element of purpose, falsification of documents, or abuse of authority in the process of issuing certificates, it does not rule out the possibility of criminal liability.

To clarify the form of responsibility and legal implications arising from the issuance of overlapping certificates, the following is presented a table of responsibilities and legal implications for the Land Office.

Table 6. Responsibilities and Legal Implications for the Land Office.

No.	Aspects of Responsibility	Legal Basis	Facts in the Verdict	Legal Implications
1.	Administrative	Article 19 of the UUPA, Article 30-34 of PP 24/1997 (Obligation to verify physical and juridical data).	The issuance of SHM and SHGB on the same land object (Overlap).	Administrative Defect => cancellation/correction of certificate by the Land Agency.
2.	Civil	Article 1365 of the Civil Code (Unlawful Acts).	The issuance of Overlapping Certificate causes losses (loss of rights and economic potential).	The aggrieved party can sue for damages, including against the Land Office if proven to be negligent.
3.	Criminal	There is an element of intentionalit	It has not been proven in	Potential Criminal for Officials/Individuals who deliberately

³⁰ Nissa Hakim Nabilla¹ & Prihati Yuniarlin, "THE BASIS OF THE LAND DISPUTE LAWSUIT IS RELATED TO THE ELEMENTS OF UNLAWFUL ACTS IN DECISION NO. 53/PDT. G/2016/PN. KLN", *Media Of Law And Sharia*, Vol. 1 No. 1 (2019) p. 58

		y, falsification of documents, or abuse of authority (for example, the Criminal Code).	this Decision, but it is not impossible .	cause Overlap
4.	Third-Party Implications	Legal protection for parties in good faith (bank as creditor).	SHGB Number 83 is used as collateral at Bank Central Asia.	Conflict of interest between the rightful owner and the creditor; disrupting the stability of economic transactions.

Source: Decision Number 237/Pdt.G/2024/PN.Smg, Government Regulation Number 24 of 1997, and Article 1365 of the Civil Code.

This shows that errors in land administration not only have an impact on administrative and civil legal aspects, but can have implications in the criminal realm.

In this case, the complexity of the dispute is increasing because one of the disputed certificates has been used as collateral in banking transactions. The involvement of third parties, such as banks, raises additional legal implications regarding legal protection for parties in good faith. The bank as a creditor must in principle obtain legal protection if it receives a guarantee based on a formally valid certificate. As a result, this conflict not only has an impact on the relationship between the warring parties but also on the stability of the land legal system as a whole and the interests of third parties.³¹

This situation shows that there is no complete legal certainty in the land sector. Therefore, the overlap of

³¹ Kholissatus Sa'adah et al. "Legal Protection for Owners of *Overlapping Land Certificates* in the Complete Systematic Land Registration Program (PTSL)", SASANA LEGAL JOURNAL, Vol. 11 No. 1 (2025) p. 149

certificates reflects the lack of optimal legal protection that should be provided by the state, as well as showing that land disputes not only have an impact on the parties to the dispute but also public trust in the land administration system.

4. Recommendations

Based on the problems that occurred, efforts are needed to improve the land registration system to prevent disputes over overlapping certificates in the future.³²

To clarify the improvement efforts that can be made in the land registration system to prevent disputes over overlapping certificates, the following is presented a table of recommendations for improving the land registration system.

Table 7. Recommendations for Improving the Land Registration System.

No.	Areas of Improvement	Recommendations	Purpose
1.	Data Accuracy	Synchronization of physical data (field maps) and juridical data (rights bases) digitally and integrated.	Prevent the issuance of duplicate/overlapping certificates
2.	Process Transparency	Publication of Land data that can be accessed by the public (online) for self-verification.	Increasing the accountability of the Land Office
3.	Verification Strengthening	Application of the principle of due diligence in the measurement and research of the history of land rights.	Ensure each certificate has a valid legal basis
4.	Law	Strict sanctions	Deterrent effect and

³² Mohamad Arista Hafid et al. "The Problem of Conversion of Old Physical Certificates to Electronic Certificates in Land Dispute Resolution: A Case Study of Certificate Overlap in Pagar Alam, South Sumatra", JURNAL HUKUM SASANA, Vol. 12 No. 1 (2026) p. 207

	Enforcement	(administrative, civil, criminal) for officials/individuals who are proven to cause Overlap.	increased adherence to procedures
5.	Protection of Parties in Good Faith	The arrangement is clearer about the fate of credit guarantees issued on top of defective certificates.	Protecting third parties (banks) and maintaining the stability of the financial system

From the civil aspect, this dispute has implications for the violation of the Plaintiff's civil rights. When part of the land owned by the Plaintiff is controlled and utilized by other parties without a valid legal basis, it fulfills the elements of unlawful acts (*onrechtmatige daad*), because there is an unlawful act, loss, and there is a causal relationship between the act and the loss. In the context of land disputes, losses arise not only in the form of loss of control over the land, but also the loss of potential economic benefits from the land.³⁴

However, in civil court practice, claims for damages must be detailed and clearly proven in order to be granted by the judge. In this case, the claim for damages was not formulated in detail so that it could not be granted, even though the violation of rights has been proven. This condition shows that the legal protection provided is still declarative, that is, it only confirms the violation of rights without being followed by concrete recovery of losses, so that it does not fully reflect restorative justice for the aggrieved party.³⁵

In addition, from a criminal law perspective, this dispute has the potential to develop if there is an element of intentionality in the process of issuing certificates. If it is proven that there is a use of false data, measurement manipulation, or incorrect information, then the act can be qualified as a criminal act, such as forgery or fraud. However, not all administrative errors are punishable. Criminal liability can only be imposed if there is an element of intentionality (*mens rea*) or negligence that meets the elements of a criminal act. Thus, purely administrative errors do not necessarily enter the criminal realm, but can develop into criminal acts if there is malicious intent in them.

The complexity of this dispute is further increased by the involvement of a third party, namely a banking institution that

³⁴ Muhammad Arifin Ilham & Misbahul Munir, "SETTLEMENT OF CASES OF UNLAWFUL ACTS IN LAND DISPUTES AT THE LEGAL AID SERVICE OF TRUNOJOYO MADURA UNIVERSITY", *JOURNAL OF ACADEMIC MEDIA (JMA)*, Vol. 4 No. 1 (2026) p. 2

³⁵ Ivanna Isya Putri Aleska et al., "Compensation for Unlawful Acts in Disputes over Customary Land Tenure", *USM Law Review Journal*, Vol. 8 No. 2 (2025) p. 702

receives one of the certificates as credit guarantee. In this condition, there is a conflict of interest between the defense of the holder of legal land rights and the defense of a well-intentioned third party. Banks as creditors must in principle obtain legal protection if they receive guarantees based on a formally valid certificate. However, if it is later proven that the collateral object is problematic, this has the potential to cause wider losses and disrupt the stability of economic transactions. In fact, under certain conditions, it is possible that there is corporate criminal liability if the involvement of a legal entity meets the elements of a criminal act in its business activities.

The legal implications of this dispute show that the problem of overlapping certificates has an influence on the land legal system as a whole in addition to the parties to the dispute. This dispute reveals structural weaknesses in land administration, as well as an impact on the disruption of legal certainty, increasing social and economic costs, and declining public trust in the state. Therefore, efforts are needed to improve the system as a whole so that the implementation of land registration can run more accurately, transparently, and accountably, so as to be able to provide optimal legal protection for the community.

E. Conclusion

That the dispute over the overlapping certificate of land rights in Decision Number 237/Pdt.G/2024/PN.Smg shows that the status of a certificate as strong evidence does not mean that it is not qualified and can be revoked if it is proven to have a legal or administrative defect. The panel of judges in this case has tried not only to adhere to the formal aspect in the form of the time of issuance of the certificate, but also to consider the validity of the rights and facts revealed in the trial. However, weaknesses in the evidentiary aspect, especially related to the unclear physical data and the boundaries of the object of dispute, cause the assessment of the strength of rights to be less optimal. From Utrecht's perspective, this condition shows that legal certainty has not been fully realized because there is no clarity that is able to

provide maximum legal protection to the parties.

Moreover, from the point of view of the social function of the land, this decision does not fully reflect the balance between legal certainty, justice, and utility. Although the judge has considered the validity of the rights basis, the aspects of physical control and land use by the parties have not been used as the dominant consideration. In fact, in agrarian law, the possession and use of land is actually an important indicator in assessing the legal relationship to the object of dispute. In Gustav Radbruch's perspective, this shows that the value of justice and utility has not been fully fulfilled, so that the verdict still has the potential to cause legal uncertainty in the future. In order to achieve legal clarity and substantive justice when resolving land disputes, it is essential to improve the land administration system and improve the quality of evidence.

F. References

- Adrian Sutedi, *Certificate of Land Rights*, Jakarta: Sinar Grafik, 2011, p. 45
- Benny Djaja & Sherly Oktaviani, LAND PUBLICATION SYSTEM THAT GUARANTEES LEGAL CERTAINTY OF LAND RIGHTS CERTIFICATES" *Journal of Muara Sciences, Humanities, and Arts*, Vol. 7 No. 2 (2023) p. 524
- Boedi Harsono, *Indonesian Agrarian Law: The History of the Formation of UUPA, Its Content and Implementation*, Jakarta: Djambatan, 2008, p. 69
- Christiana Sri Murni & Sumirahayu Sulaiman, "LAND TITLE CERTIFICATES ARE PROOF OF LAND OWNERSHIP RIGHTS", *LEX LIBRUM: Journal of Legal Science*, Vol. 8 No. 2 (2022) p. 197
- Dios Ferdian Harefa et al., "THE SOCIAL FUNCTION OF LAND OWNERSHIP IN SUPPORTING DEVELOPMENT IN INDONESIA ACCORDING TO LAW NUMBER 5 OF 1960 CONCERNING BASIC REGULATIONS ON AGRA PRINCIPLES", *Lex Administratum*, Vol. VIII No. 3 (2020) pp. 89-90
- Eddy Marek Leks & Fitri Nabilla Aulia, "APPLICATION OF ARTICLE 32 PARAGRAPH (2) OF GOVERNMENT

- REGULATION NUMBER 24 OF 1997 CONCERNING LAND REGISTRATION BY THE COURT", *Journal of Legal Paradigm*, Vol. 8 No. 1 (2023) p. 8
- Irene Gabriela Hapa et al., "JURIDICAL REVIEW OF THE LEGAL CERTAINTY OF THE CANCELLATION OF LAND TITLE CERTIFICATES BY PTUN", *Lex Aministratum*, Vol. 12 No. 05 (2024)
- Ivanna Isya Putri Aleska et al., "Compensation for Unlawful Acts in Disputes over Customary Land Tenure", *USM Law Review Journal*, Vol. 8 No. 2 (2025) p. 702
- Kholissatus Sa'adah et al. "Legal Protection for Owners of *Overlapping Land Certificates* in the Complete Systematic Land Registration Program (PTSL)", *SASANA LEGAL JOURNAL*, Vol. 11 No. 1 (2025) p. 149
- Made Kharisma Putri et al., "IMPLEMENTATION OF ARTICLE 3 OF LAW NUMBER 5 OF 1960 CONCERNING BASIC REGULATIONS ON AGRARIAN PRINCIPLES ON CUSTOMARY RIGHTS TO LAND IN YEH SANIH TRADITIONAL VILLAGE", *Journal of Sui Generis Law*, Vol. 4 No.1 (2024) p. 12
- M. Ridwan, "Legal Protection of Land Rights Certificate Holders in Land Disputes", *Journal of Legal Sciences*, Vol. 8 No. 1, 2020, p. 55
- Mohamad Arista Hafid et al. "The Problem of Conversion of Old Physical Certificates to Electronic Certificates in Land Dispute Resolution: A Case Study of Certificate Overlap in Pagar Alam, South Sumatra", *JURNAL HUKUM SASANA*, Vol. 12 No. 1 (2026) p. 207
- Nissa Hakim Nabilla¹ & Prihati Yuniarlin, "THE BASIS OF THE LAND DISPUTE LAWSUIT IS RELATED TO THE ELEMENTS OF UNLAWFUL ACTS IN DECISION NO. 53/PDT. G/2016/PN. KLN", *Media Of Law And Sharia*, Vol. 1 No. 1 (2019) p. 58
- Peter Mahmud Marzuki, *Legal Research*, Jakarta: Kencana, 2017
- Puji Rahmawati et al, "UNLAWFUL ACTS ON THE POSSESSION OF LAND OWNERSHIP IN DOUBLE CERTIFICATES", *Lex Generalis Law Journal*, Vol. 6 No. 9 (2025) p. 1
- Decision Number 237/Pdt.G/2024/PN SMG

- R. Rahmawati, "Dispute Resolution of Dual Certificates in Indonesian Land Law", *IUS Law Journal*, Vol. 7 No. 2, 2019
- Rahmat Ramadhani, S.H., M.H.: *INDONESIAN LAND LAW AND ITS DEVELOPMENT*, (Medan: UMSU PRESS, 2022) p. 113
- Raniah Safira Azzahra et al. "LEGAL REVIEW OF PROPERTY RIGHTS CERTIFICATES IN CASES OF LAND OVERLAP" *Van Java Law Journal*, Vol. 1 No. 3 (2024) p. 161
- Riduan Syahrani, *Sumkuman Intisari Ilmu Hukum*, (Bandung: Citra Aditya Bakti Publisher, 1999), p. 23.
- Rosa Tiara Pramudita Dewi & Asmarani Ramli, "Analysis of Overlapping Land Rights Ownership (Case Study in Muktiharjo Kidul Village, Semarang City)", *Book Chapter Law and Environment*, pp. 1606-1607
- Rossa Silvia Ananda et al., "THE EVIDENTIARY POWER OF LAND RIGHTS CERTIFICATES IN LAND DISPUTES: A STUDY ON THE LAND REGISTRATION MECHANISM BASED ON THE UUPA AND GOVERNMENT REGULATION NUMBER 24 OF 1997", *Journal of Law and Citizenship*, Vol. 16 No. 1 (2025)
- Satjipto Rahardjo, *Law* (Bandung: Cintra Aditya, 2014)
- Siti Juliaha, "THE POWER OF TITLE CERTIFICATES AS EVIDENCE IN LAND DISPUTES: AN ANALYSIS OF LEGAL CERTAINTY OR PSEUDO-CERTAINTY", *Indonesia of Journal Business Law*, Vol. 5 No. 1 (2026), p. 57
- Sumardjono, Maria S.W. (2001). *Land in the Perspective of Economic, Social and Cultural Rights*. Yogyakarta: Kompas Media Nusantara.
- Syarifah Hasna Ritonga et al. "Implementation of the Nemo Plus Juris Principle Related to Legal Acts on Land Before PPAT (Case Study of Supreme Court Decision Number 2678 K/PDT/2015)", *Journal of Law & Policy Review*, Vol. 1 No. 2 (2023), p. 199
- Syarifah Lia Malini Sari & Lathifah Hanim, "LEGAL CERTAINTY IN DISPUTE RESOLUTION OF THE OVERLAP OF TITLE CERTIFICATE (SHM) OVER LAND (CASE STUDY AT THE LAND / AGRARIAN AND SPATIAL PLANNING OFFICE OF PONTIANAK CITY)", *Journal of Acts*, Vol. 4.

