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Overlapping Land Ownership Certificates

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Abstract

Land registration serves as the primary legal instrument for guaranteeing property rights security in Indonesia, yet the phenomenon of overlapping certificates of ownership (Sertipikat Hak Milik/SHM) continues to undermine the very legal certainty it is meant to provide. This study aims to analyze the legal consequences of overlapping certificates of ownership and to examine dispute resolution mechanisms under the Basic Agrarian Law (UUPA) No. 5 of 1960 and Government Regulation (PP) No. 24 of 1997 on Land Registration. This research employs a normative juridical method with a statutory approach (statute approach) and a conceptual approach (conceptual approach),

utilizing primary and secondary legal materials gathered through library research and analyzed using descriptive-analytical techniques. The findings reveal that overlapping certificates generate three principal legal consequences: legal uncertainty over ownership status, potential certificate invalidation, and administrative liability of the National Land Agency (BPN). Dispute resolution may be pursued through non-litigation (mediation at the Land Office) or litigation before the General Court or Administrative Court (PTUN), depending on the substance of the claim. Analysis confirms that the negative-tendency-positive publication system under UUPA operates in synchronization with the stronger evidentiary protection afforded by PP No. 24 of 1997, as the latter was enacted specifically to implement the former; overlapping certificates instead stem primarily from procedural and administrative weaknesses in land registration practice. This study concludes that resolving overlapping certificates requires strengthened procedural implementation, including clarification of the criteria for good faith and actual possession, digitalization of land administration, strengthened verification procedures, and institutional capacity building within BPN.

Keywords

Overlapping Land Ownership Certificates; Land Registration; Dispute Resolution.

Introduction

Land is a fundamental aspect of society in Indonesia, encompassing economic, cultural, and legal dimensions¹. The phenomenon of overlapping certificates of ownership (SHM) is a critical problem in Indonesia's agrarian legal mechanism because it

¹ Fahmi Aditya and Sri Handayani, "Politik Hukum Reforma Agraria Di Indonesia: Dari Orde Lama Hingga Ora Otonomi Daerah," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 5 (November 14, 2025): 7737–45.

directly threatens the principle of legal certainty, which is the primary objective of land registration². In recent years, land disputes have remained at significant levels and have become a serious concern for the administration authorities. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) reports that as of September 2025, there were 3,260 cases of land disputes, conflicts, and land-related crimes being handled nationwide³. Additionally, the Ministry of ATR/BPN revealed that approximately 6.4 million hectares of land in Indonesia are at risk of overlapping land claims, which could trigger agrarian conflicts⁴. These data indicate that the problem of overlapping land certificates cannot be viewed solely as an administrative matter but has evolved into a structural problem with far-reaching implications for legal certainty and socioeconomic stability.

Identifying this issue holds significant importance for strengthening the national agrarian legal system. According to Article 19(1) of Law No. 5 of 1960 on the Basic Provisions of Agrarian Law (UUPA), legal assurance over land rights is established by the state's duty to carry out land registration as a means of legal protection for land rights holders⁵. Furthermore, Article 32(1) of PP No. 24 of 1997 states that land registration serves not only as an administrative activity but also as a legal mechanism to provide guarantees of certainty and

² Koes Widarbo and Kusmiarto Kusmiarto, "Transformasi Kadaster Di Indonesia: Kepastian Hukum Dalam Sejarah Dan Tantangan Pendaftaran Tanah," *Kadaster: Journal of Land Information Technology* 1, no. 1 (September 2023): 49–62, <https://doi.org/10.31292/kadaster.v1i1.8>.

³ detikfinance, "BPN Catat 3.260 Kasus Sengketa Hingga Konflik Pertanahan Hingga September 2025," *finance.detik.com*, 2025, <https://finance.detik.com/infrastruktur/d-8225678/bpn-catat-3-260-kasus-sengketa-hingga-konflik-pertanahan-hingga-september-2025>.

⁴ Ranga Pandu Asmara Jingga, "Menteri ATR/BPN Sebut 13,8 Juta Bidang Tanah Berpotensi Timbulkan Sengketa Lahan," *www.antaranews.com*, 2024, <https://www.antaranews.com/berita/4434061/menteri-atr-bpn-sebut-138-juta-bidang-tanah-berpotensi-timbulkan-sengketa-lahan>.

⁵ Republik Indonesia, Peraturan Dasar Undang-Undang Pokok Agraria, No. 5 Tahun 1960, Pasal 19, Ayat 1. <https://www.hukumonline.com/pusatdata/detail/249/undangundang-nomor-5-tahun-1960/>

protection for the land rights held by the public. Under this regulation, a land title certificate is regarded as a document of evidence possessing high probative value regarding the consistency of both data relating to the physical conditions and legal aspects contained therein⁶.

Nonetheless, pursuant to Article 32(2) of PP No. 24 of 1997, the evidential value of these certificates is not definitive, as Indonesia's land law framework permits other parties to raise objections or initiate lawsuits if they can demonstrate legal flaws in the issuance process⁷. This arrangement illustrates that Indonesia's land registration system operates under a negative publication regime with positive legal characteristics, whereby registered rights are presumed valid while remaining subject to judicial review in the event of competing claims or administrative defects, whereby with a certificate of ownership of the land is acknowledged as substantial proof but is not definitive. This system offers legal safeguards to the certificate holder; however, it still allows for the potential of disputes, such as overlapping certificates, if it can be demonstrated that there were procedural administrative flaws during the issuance process⁸. As a result, in legal practice, it is often the case that a subsequently issued certificate can carry more legal authority if backed by more substantial evidence, which may lead to legal ambiguity holders of registered land rights. Consequently, the problem of overlapping certificates arises not only from administrative issues but also from inherent normative weaknesses within the agricultural legal framework itself.

⁶ Republik Indonesia, Peraturan Pemerintah No. 24 Tahun 1997 tentang Pendaftaran Tanah, Pasal 32, Ayat 1. <https://www.hukumonline.com/pusatdata/detail/11693/peraturan-pemerintah-nomor-24-tahun-1997/document/>

⁷ Republik Indonesia, Peraturan Pemerintah No. 24 Tahun 1997 tentang Pendaftaran Tanah, Pasal 32, Ayat 2. <https://www.hukumonline.com/pusatdata/detail/11693/peraturan-pemerintah-nomor-24-tahun-1997/document/>

⁸ Shinta Artika and Ana Silviana, "Kepastian Hukum Atas Pemilik Tanah Yang Tumpang Tindih Akibat Penerbitan Sertifikat PTSL," *NOTARIUS* 18, no. 1 (2025): 140–56, <https://doi.org/https://doi.org/10.14710/nts.v18i1.57791>.

The importance of this matter is rising amid the national land system digitization that the government is currently working on. The incorporation of digital technologies into land registration processes is expected to enhance operational efficiency, increase transparency, and ensure the integrity and accuracy of land information within the land administration system⁹. Recent research indicates that administrative errors, data inconsistencies, and weak oversight are the dominant factors causing the publication of duplicate certificates for the same land parcel¹⁰. This condition is inseparable from the reality that data between physical and legal aspects is not integrated, as reflected in the large number of land parcels that have not been systematically mapped. This situation has the potential to cause administrative errors, such as duplicate registrations and the publication of duplicate certificates. On the other hand, Government Regulation No. 24 of 1997 is fundamentally synchronized and consistent with the Basic Agrarian Law (UUPA), given that the regulation serves as an implementing measure designed to further elaborate on the UUPA's provisions regarding land registration. The UUPA, which adheres to a negative publication system, does not provide an absolute guarantee regarding the accuracy of data; this stance is consistently reaffirmed by Government Regulation No. 24 of 1997, which accords greater evidentiary weight to land title certificates without negating their relative nature. Consequently, ambiguities arising in land law practice—particularly concerning the evidentiary weight of land title certificates—are best understood as issues of implementation and administrative procedure rather than as a conflict of norms between the two regulations.

⁹ Muhammad Rifaldi Setiawan and Frandy Arthayoga Louk Fanggi, "Digitalisasi Administrasi Pertanahan: Pendaftaran Tanah Berbasis Digital Dalam Rangka Mewujudkan Kepastian Hukum," *COMMUNITY: Jurnal Pengabdian Kepada Masyarakat* 5, no. 2 (October 2025): 495–506, <https://doi.org/10.51878/community.v5i2.7022>.

¹⁰ Raniah Safira Azzahra et al., "Tinjauan Hukum Terhadap Sertifikat Hak Milik Dalam Kasus Tumpang Tindih Tanah," *Van Java Law Journal* 1, no. 03 (March 2025): 156–65, <https://doi.org/10.64578/vjlj.v1i03.107>.

The phenomenon of overlapping Certificates of Ownership (SHM) has been the subject of intensive normative study in contemporary Indonesian agrarian law literature, with various approaches seeking to identify the root causes, legal consequences, and dispute resolution mechanisms. Various studies indicate that the “negative publication with positive effects” system adopted by Indonesia, as stipulated in Article 32(2) of PP No. 24 of 1997, creates a structural dilemma between protecting bona fide rights holders and maintaining openness to challenge legally defective certificates, thereby generating systemic legal uncertainty¹¹. In this context, the validity of duplicate certificates is assessed based on the priority principle, which asserts that the certificate issued first holds greater legal force, even if its issuance process was not entirely free from administrative defects¹². However, this formalistic approach has been criticized for neglecting the dimension of substantive justice, particularly in cases where the holder of the second certificate acquired the right lawfully and in good faith, which could potentially give rise to liability for compensation on the part of the state or relevant parties¹³. Furthermore, the absence of adequate mediation procedures at the National Land Agency (BPN) has been identified as a fundamental weakness in non-litigious dispute resolution, leading many overlapping cases to end up in court without effective reconciliation efforts¹⁴. On the other hand, digital transformation through the issuance of electronic certificates is

¹¹ Agus Suhariono et al., “Sistem Publikasi Pendaftaran Tanah (Kajian Sistem Publikasi Negatif Bertendensi Positif),” *Notaire* 5, no. 1 (February 2022): 17, <https://doi.org/10.20473/ntr.v5i1.21882>.

¹² Ranti Diva Nurmala and Temmy Fitriah Alfiany, “Analisis Dan Implimentasi Sertifikat Ganda Hak Milik Atas Tanah Berdasarkan Pasal 19 Uupa Dalam Perspektif Hukum Perdata,” *INDONESIAN JOURNAL OF LAW AND JUSTICE* 2, no. 1 (July 2024): 1–10.

¹³ Roki Arnanda Saputra, Syifa’ Silvana, and Emir Fabrian Marino, “Penyelesaian Sengketa Sertifikat Tanah Ganda Serta Bentuk Kepastian Hukumnya,” *JURNAL JENTERA* 4, no. 2 (December 2021): 555–73.

¹⁴ Nia Kurniati and Efa Laela Fakhriah, “BPN Sebagai Mediator Dalam Penyelesaian Sengketa Tanah Di Indonesia Pasca Perkaban No. 11 Tahun 2016,” *Sosiohumaniora* 19, no. 2 (July 2017), <https://doi.org/10.24198/sosiohumaniora.v19i2.11999>.

recommended as a preventive strategy to minimize the risk of duplicate certificate issuance in the future, although its implementation still faces challenges related to technological infrastructure, public digital literacy, and regulatory harmonization¹⁵. Overall, these studies provide a strong theoretical foundation, yet they remain limited to formal analysis without in-depth examination of dispute resolution mechanisms and the long-term legal consequences for the parties involved; it is this limitation that forms the basis for the urgency of the research titled “Overlapping Land Ownership Certificates Under UUPA No. 5 of 1960 and PP No. 24 of 1997,” which is urgently needed because no previous study has systematically integrated these two core regulations into a single comprehensive analytical framework that addresses procedural and substantive gaps.

Accordingly, a significant research gap remains regarding the integration of these two dimensions within a comprehensive normative framework based on the Basic Agrarian Law and PP Number 24 of 1997. Existing studies have not sufficiently examined how the legal consequences of overlapping certificates relate to the mechanisms available for resolving such disputes, nor have they comprehensively assessed the consistency between the relevant legal norms governing land registration and legal protection.

Based on this gap, this study aims to analyze the legal consequences arising from overlapping land ownership certificates and to examine the dispute resolution mechanisms available under Law Number 5 of 1960 and PP Number 24 of 1997. The novelty of this research lies in its integrated normative analysis of both legal consequences and dispute resolution mechanisms, thereby offering a more comprehensive understanding of overlapping land certificate disputes. The findings are expected to contribute to the development of agrarian law theory and provide practical recommendations for

¹⁵ Triani Putri Utami and Akhmad Budi Cahyono, “Perlindungan Hukum Bagi Pemegang Hak Atas Tanah Dikaitkan Dengan Sistem Publikasi Negatif Bertendensi Positif Dalam Sistem Pendaftaran Tanah Secara Elektronik: Studi Banding Dengan Negara Australia,” *Indonesian Notary* 6, no. 2 (August 2024): 81–95, <https://doi.org/10.21143/notary.vol6.no1.81>.

strengthening legal certainty and improving land dispute resolution in Indonesia.

This study employs the normative legal research method, which focuses on a legal analysis (*normative legal research*) of applicable legal norms, particularly those related to the issue of overlapping land title certificates. This approach involves examining relevant legislation, legal principles, and legal doctrines. The methods employed in this research consist of the legal and theoretical approach. The legal method entails analyzing sections of the Land Law (UUPA) and PP No. 24 of 1997 concerning land registration, along with additional regulations pertaining to land ownership rights. Meanwhile, the conceptual approach is used to understand the concepts of ownership rights, legal certainty, and the principle of legal protection in agrarian law. The legal materials used in this study consist of:

1. Primary legal materials, namely laws and regulations and legal provisions relating to the research object, including the Land Law (UUPA) and PP No. 24 of 1997.
2. Secondary legal materials, namely legal literature such as books, scientific journals, and previous research discussing agrarian law, land registration, and land conflicts.

The method of collecting legal materials was conducted through *library research* by tracing various legal sources, both offline and online. This study did not require a physical research location, as it focused on the analysis of legal documents. The analysis of legal materials was conducted qualitatively using descriptive-analytical techniques, namely by elaborating, interpreting, and examining applicable legal provisions to subsequently draw conclusions regarding the causes and implications of overlapping land title certificates. This analysis also emphasizes the synchronization between legislation and its application in practice.

The limitation of this study lies in its normative nature, meaning it does not directly examine empirical data in the field. Therefore, the research results emphasize normative and conceptual aspects and may not fully reflect the actual conditions occurring in society.

A. Legal Consequences of Overlapping Certificates of Ownership under the UUPA and PP No. 4 of 1997

Overlapping land title certificates (SHM) are defined as a situation where two parties claim ownership rights over the same parcel of land. This issue typically arises due to errors in carrying out land registration duties by the land office as the authorized institution, leading to the issuance of more than one land title certificate for the same parcel of land¹⁶. This phenomenon gives rise to complex legal consequences and has a significant impact on the legal certainty for land rights holders. In normative legal terms, the legal consequences of overlapping certificates can be analyzed through three main dimensions: uncertainty regarding ownership status, the potential for certificate revocation, and the legal liability of the parties involved¹⁷.

1. Uncertainty Regarding the Status of Land Ownership

The existence of duplicate certificates directly threatens the principle of legal certainty as mandated in Article 19(1) of the Land Law (UUPA), which states that land registration is conducted to ensure legal

¹⁶ Jonathan Chandra Suryajaya, I Gusti Ayu Ketut Rachmi Handayani, and Lego Karjoko, "Analysis of Land Rights Certificate Overlapping Occurrence," *Siber International Journal of Advanced Law (SIJAL)* 2, no. 4 (May 14, 2025): 157–65, <https://doi.org/10.38035/sijal.v2i4.170>.

¹⁷ Baiq Rika Septina Wardani, Rodliyah Rodliyah, and Aris Munandar, "Akibat Hukum Atas Terbitnya Sertifikat Tumpang Tindih (Overlapping) Dalam Program Pendaftaran Tanah Sistematis Lengkap (Studi Kasus Kantor Pertanahan Kabupaten Lombok Barat)," *Jurnal Risalah Kenotariatan* 4, no. 1 (March 20, 2023), <https://doi.org/10.29303/risalahkenotariatan.v4i1.90>.

certainty¹⁸. A certificate of ownership, which should function as strong evidence, loses its probative value when another certificate claims the same parcel of land. Article 32(1) of PP No. 24 of 1997 states that a certificate is a document that proves rights and functions as a strong means of proof regarding the physical and legal data contained therein¹⁹. However, this evidentiary strength is relative because Indonesia's land registration system adopts a negative publication system with a positive tendency. Consequently, the certificate may be challenged by other parties who believe they have stronger rights to the land.

This uncertainty regarding ownership status gives rise to several legal implications. First, the certificate holder cannot freely perform legal acts regarding the land, such as buying, selling, donating, or utilizing it as security for credit facilities for a loan. Second, the economic value of the land cannot be determined with certainty due to ownership disputes. Third, the potential for social conflict increases because each party feels they have legal legitimacy over the same land²⁰.

2. Potential Certificate Revocation and Criteria for Determining Validity

In cases of overlapping certificates, one or more certificates must be revoked to restore legal certainty. Certificate revocation can be carried out through two mechanisms: administrative revocation by the Ministry

¹⁸ Republik Indonesia, Peraturan Dasar Undang-Undang Pokok Agraria, No. 5 Tahun 1960, Pasal 19, Ayat 1. <https://www.hukumonline.com/pusatdata/detail/249/undangundang-nomor-5-tahun-1960/>

¹⁹ Republik Indonesia, Peraturan Pemerintah No. 24 Tahun 1997 tentang Pendaftaran Tanah, Pasal 32, Ayat 1. <https://www.hukumonline.com/pusatdata/detail/11693/peraturan-pemerintah-nomor-24-tahun-1997/document/>

²⁰ Marsella Patrya Karim, Weny Almoravid Dungga, and Avelia Rahma Y. Mantali, "Akibat Hukum Dari Diterbitkannya Sertifikat Tanah Dengan Kepemilikan Ganda," *Journal of Comprehensive Science (JCS)* 2, no. 6 (June 5, 2023): 1532–43, <https://doi.org/10.59188/jcs.v2i6.372>.

of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) or revocation through a court ruling²¹.

The determination of a certificate's validity in cases of overlap is not solely based on the principle of temporal priority (the certificate issued first), but also considers several substantive aspects. These aspects include: (1) the validity of the legal basis underlying the issuance of the certificate; (2) compliance of the issuance procedure with statutory provisions; (3) actual physical control of the land; and (4) the good faith of the certificate holder²².

The principle of priority based on the date of issuance has become established Supreme Court jurisprudence. Supreme Court Jurisprudence Number 5/Yur/Pdt/2018 affirms the legal rule that in the event of dual land titles (certificates) for the same plot of land—where both are authentic—the strongest proof of title is the certificate issued earlier. The Supreme Court has consistently applied this rule, including in Judgment Number 976 K/Pdt/2015 (Liem Teddy v. Kodam III/Siliwangi of the Indonesian Army) dated November 27, 2015, which held that when assessing the validity of two authentic proofs of title, the certificate issued earlier is the one that is valid and legally binding²³. Nevertheless, as previously outlined, this principle of priority based on the issuance date remains rebuttable; it may be set aside if it is proven that the earlier-issued certificate contains procedural defects or was obtained in bad faith.

Article 32 paragraph (2) of Government Regulation No. 24 of 1997 provides protection to certificate holders who acquired their rights

²¹ Ahmath Indra Fernando Manurung and Sri Setyadi, "Penyelesaian Masalah Penerbitan Sertipikat Berdasarkan Pemalsuan Surat Oleh Kantor Pertanahan," *JOURNAL EQUITABLE* 10, no. 2 (June 30, 2025): 250–70, <https://doi.org/10.37859/jeq.v10i2.8802>.

²² Michael Christhopher and Benny Djaja, "Legal Status of Duplicate Land Certificates and Mechanisms for Their Resolution Under the National Land Law System," *JlHK* 7, no. 2 (December 11, 2025): 1249–61, <https://doi.org/10.46924/jihk.v7i2.386>.

²³ Yurisprudensi Mahkamah Agung RI Nomor 5/Yur/Pdt/2018; lihat juga Putusan Mahkamah Agung Nomor 976 K/Pdt/2015 (Liem Teddy vs. Kodam III/Siliwangi TNI Angkatan Darat), tanggal 27 November 2015.

in good faith and maintain actual possession of the land²⁴. If no party submits a written objection within five years of the certificate's issuance, the certificate holder is no longer subject to legal challenge. However, this provision is not absolute; it does not apply if a legal defect in the issuance process can be proven. For instance, in Judgment Number 83/G/2023/PTUN.Smg, the judge annulled a certificate issued by the National Land Agency (BPN) due to a procedural defect in the issuance process that resulted in overlapping ownership claims²⁵.

3. Legal Liability of the National Land Agency

The issuance of duplicate certificates cannot be separated from the role and responsibility of the BPN as the authorized agency in the administration of land registration. From an administrative law perspective, the issuance of a certificate constitutes an administrative decision (*beschikking*) that may be challenged if it involves procedural or substantive errors.

The BPN may be held liable for the publication of duplicate certificates based on several legal grounds²⁶. Article 1365 of the Civil Code stipulates that any unlawful act (*onrechtmatige daad*) causing loss obligates the perpetrator to compensate for such loss²⁷. Administrative errors by the BPN leading to the issuance of duplicate certificates may be categorized as an unlawful act if proven to have caused loss to the

²⁴ Republik Indonesia, Peraturan Pemerintah No. 24 Tahun 1997 tentang Pendaftaran Tanah, Pasal 32, Ayat 2. <https://www.hukumonline.com/pusatdata/detail/11693/peraturan-pemerintah-nomor-24-tahun-1997/document/>

²⁵ Corda Lebda Purnama et al., "Analisis Yuridis Putusan PTUN Nomor 83/G/2023/PTUN. SMG Terkait Dengan Pembatalan Sertifikat Hak Atas Tanah Yang Overlapping," *Semarang Law Review (SLR)* 6, no. 2 (October 1, 2025): 411–25, <https://doi.org/10.26623/slr.v6i2.12851>.

²⁶ Hirwansyah, "Pertanggungjawaban Hukum Badan Pertanahan Nasional Terhadap Adanya Penerbitan Sertifikat Ganda," *Jurnal Hukum Sasana* 7, no. 1 (May 21, 2021): 13–24, <https://doi.org/10.31599/sasana.v7i1.484>.

²⁷ Republik Indonesia, Pasal 1365 KUHPerdata tentang Perbuatan Melawan Hukum. <https://www.hukumonline.com/klinik/a/apa-itu-perbuatan-melawan-hukum-dalam-pasal-1365-kuh-perdata-lt6576f13b60c6a/>

aggrieved party²⁸. Furthermore, Article 1366 of the Civil Code also states that every person is liable not only for losses caused by their actions but also for losses caused by their negligence²⁹. Negligence by officials in verifying physical and legal data, measuring land parcels, or checking for potential overlaps can form the basis for both administrative and civil liability.

B. Mechanisms for Resolving Land Title Overlap Disputes

Disputes over overlapping land title certificates can be resolved through two main channels: non-litigation (out-of-court) resolution and litigation (through the courts)³⁰. Each channel has different characteristics, advantages, and limitations.

1. *Non-Litigation Resolution through Mediation at the Land Office Regulation of the Minister of Agrarian Affairs and Spatial*

Planning/Head of the National Land Agency No. 21 of 2020 on the Handling and Resolution of Land Cases provides the legal basis for resolving land disputes through mediation mechanisms at the Land Office. Article 6 of the regulation stipulates that the handling of land

²⁸ Nur Kholis and Galih Bagas Soesilo, "Upaya Penyelesaian Sengketa Hak Milik Atas Tanah Terhadap Kepemilikan Sertifikat Ganda Di Kantor Pertanahan Kabupaten Purworejo," *Eksaminasi: Jurnal Hukum* 2, no. 3 (September 5, 2023): 154–73, <https://doi.org/10.37729/eksaminasi.v2i3.3590>.

²⁹ Republik Indonesia, Pasal 1366 KUHPerdata tentang Tanggung Jawab atas Kelalaian. <https://jdih.mahkamahagung.go.id/legal-product/kitab-undang-undang-hukum-perdata/detail>

³⁰ Dian Dewi, Nur Rahmanto, and Dwi Wulan Titik Andari, "Problematisasi Mediasi Dalam Menyelesaikan Sengketa Pertanahan Di Kantor Pertanahan Kabupaten Badung," *Risalah Hukum* 21, no. 2 (December 20, 2025): 150–63, <https://doi.org/10.30872/risalah.v21.i2.1918>.

disputes and the settlement of land disputes conflicts is carried out through the stages of data collection, analysis, dispute resolution, and the implementation of decisions³¹.

Mediation is a dispute resolution mechanism involving a neutral third party (mediator) to facilitate communication and the negotiation process between the conflicting parties. Mediation is conducted by the Land Office by involving the parties holding overlapping certificates.

The mediation process at the Land Office generally includes several stages:

1. Complaints and Registration.

The aggrieved party submits a written complaint to the Land Office, attaching proof of ownership.

2. Data Collection and Analysis

The Land Office verifies the physical and legal data from both certificates, including a review of title documents, a tracing of the land's history, and the conduct of a re-survey of the land parcel.

3. Summoning the Parties

Once the data is collected, the Land Office summons the parties for clarification and mediation.

4. Conducting Mediation

The mediator facilitates the negotiation process between the parties to reach an agreement. The outcome of the agreement is then documented in a mediation minutes.

5. Follow-Up

If mediation is successful, the Land Office carries out administrative follow-up in accordance with the agreement, including the possible cancellation of one of the certificates³².

³¹ Kholis and Soesilo, "Upaya Penyelesaian Sengketa Hak Milik Atas Tanah Terhadap Kepemilikan Sertifikat Ganda Di Kantor Pertanahan Kabupaten Purworejo."

³² Ariffandhy Gustaman and M. Rizqi, "Penyelesaian Sengketa Tanah Melalui Mediasi Di Kantor Pertanahan Kabupaten Indragiri Hilir," *Jurnal Hukum Lex Generalis* 6, no. 9 (2025): 1–16, <https://doi.org/https://doi.org/10.56370/jhlg.v6i9.1833>.

The advantages of resolving disputes through mediation include a faster process, lower costs, and a non-confrontational nature that helps maintain good relations between the parties. However, mediation has limitations because it is voluntary and lacks enforceable authority. If one party does not accept the mediation outcome, the dispute must be resolved through litigation³³. In such cases, the National Land Agency (BPN) may be named as a defendant if negligence in issuing the duplicate certificate is proven. An example is a case at the Medan Administrative Court (Judgment No. 48/G/2021/PTUN-MDN), where the court declared the duplicate certificate null and void due to administrative negligence by the BPN in the verification and issuance procedures³⁴. This ruling highlights the role of the judiciary in overturning public administration decisions build upon improper procedures or violations of the principles of good governance.

2. *Resolving Litigation through the Courts*

Resolving disputes over duplicate certificates through litigation can be reached in two ways judicial institutions: the State Administrative Court (PTUN)³⁵. The choice of judicial institution depends on the substance of the lawsuit filed.

a. Jurisdiction of the General Court

The General Court has jurisdiction to adjudicate dual certificate disputes if the substance of the lawsuit relates to

³³ Intan Hanisa, I Gusti Ketut Ayu Rachmi Handayani, and Lego Karjoko, "Implikasi Hukum Sengketa Sertifikat Ganda Terhadap Kepastian Hak Atas Tanah Dan Asas Kepastian Hukum Di Indonesia," *Jurnal Hukum Dan HAM Wara Sains* 4, no. 01 (February 27, 2025): 144–50, <https://doi.org/10.58812/jhhws.v4i01.1844>.

³⁴ Dwi Cinta Wiliananda Putri and Syamsul Hadi, "The National Land Agency's Efforts in Anticipation and Resolving Disputes Regarding Multiple Land Ownership Certificates," *Law Development Journal* 7, no. 3 (November 7, 2025): 541, <https://doi.org/10.30659/ldj.7.3.541-550>.

³⁵ Endah Wirastutik and Moh. Saleh, "Urgensi Pembentukan Pengadilan Khusus Agraria Dalam Menangani Konflik Sengketa Pertanahan," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 5, no. 1 (2024): 709–21, <https://doi.org/10.38035/jihhp.v5i1.3156>.

ownership disputes (*eigendomsrecht*) or civil rights over land³⁶. In this case, the certificate is positioned as evidence in proving ownership rights, not as the primary subject of the dispute.

Lawsuits filed in the General Courts are generally based on an unlawful act (*onrechtmatige daad*) as provided for in Article 1365 of the Civil Code. In this case, the plaintiff must prove that the defendant has engaged in conduct that is inconsistent with the law and has caused harm to another party resulting in damages, as well as the existence of a causal link between such act and the damages suffered³⁷.

b. Jurisdiction of the Administrative Court

Jurisdiction over disputes arising from the issuance of duplicate land certificates falls within the competence of the State Administrative Court (PTUN) when the claimant seeks the annulment of an administrative act embodied in a land certificate issued by the National Land Agency (BPN). Under Article 1(3) of Law No. 5 of 1986, as subsequently amended by Law No. 9 of 2004, an administrative decision is defined as a written legal determination issued by an administrative body or official that possesses concrete, individual, and final legal characteristics. Consequently, a land certificate issued by the competent land authority may be challenged before the State Administrative Court insofar as it constitutes an administrative decision producing legal consequences for the parties concerned³⁸. Land title certificates meet the criteria for

³⁶ Pranayoga, "Penyelesaian Sengketa Pertanahan Dalam Sistem Peradilan Di Indonesia," *Jurnal NESTOR Magister Hukum* 3, no. 3 (2019), <http://jurnal.untan.ac.id/index.php/nestor/article/view/39239/75676585105>.

³⁷ Rai Mantili, "Tanggung Jawab Renteng Ganti Kerugian Immateriil Atas Perbuatan Melawan Dihubungkan Dengan Asas Kepastian Hukum," *Jurnal Bina Mulia Hukum* 4, no. 1 (2019): 88–111, <https://doi.org/10.23920/jbmh.v4n1.6>.

³⁸ Republik Indonesia, Undang-Undang Nomor 5 Tahun 1986 tentang Peradilan Tata Usaha Negara, sebagaimana telah diubah dengan Undang-Undang Nomor 9 Tahun 2004 tentang Perubahan atas Undang-Undang Nomor 5 Tahun 1986 tentang Peradilan Tata Usaha Negara, Pasal 1, Ayat 3. <https://share.google/zmBvxqJjx95JgBQh8>

administrative decisions because they are concrete (concerning a specific parcel of land), individual (addressed to a specific rights holder), and final (giving rise to legal consequences). Therefore, parties who feel they have been disadvantaged due to the issuance of overlapping certificates can file a lawsuit in an effort to obtain legal certainty and protection for the land rights they claim for annulment with the State Administrative Court (PTUN).

Several case studies, for example, the Raba Bima District Court Decision No. 13/Pdt.G/2020/PN.Rbi, state that a Certificate of Ownership (SHM) issued without a Public Notary Deed is invalid, although subsequent legal analysis assesses that the certificate is still considered valid if there is other supporting evidence³⁹. On the other hand, the Banjarmasin Administrative Court Decision No. 36/G/2023/PTUN.BJM affirms that the issuance of SHM for land under Building Use Rights by the National Land Agency (BPN) is valid⁴⁰.

c. Dualism of Jurisdiction and Its Solution

The dualism of jurisdiction between the State Administrative Court (PTUN) in handling disputes over duplicate certificates often causes confusion for the disputing parties. In practice, the determination of jurisdiction is based on the substantive basis of the case (*fundamentum petendi*)⁴¹. If the dispute concerns ownership of land rights, jurisdiction lies with the General Courts. Conversely, if the dispute concerns the

³⁹ Azizah Dyan Lestari and Shinta Andriyani, "Analisis Hukum Keabsahan Sertifikat Hak Atas Tanah Yang Terbit Tanpa Akta Pejabat Yang Berwenang," *Private Law* 2, no. 3 (October 7, 2022): 730–46, <https://doi.org/10.29303/prlw.v2i3.1570>.

⁴⁰ Anggiat Perdamean Parsaulian and . Sudjito, "Masalah Tumpang Tindih Sertipikat Hak Milik Atas Tanah Di Kota Banjarbaru (Putusan Nomor: 24/G/2014/PTUN.BJM)," *BHUMI: Jurnal Agraria Dan Pertanahan* 5, no. 1 (May 23, 2019): 129, <https://doi.org/10.31292/jb.v5i1.324>.

⁴¹ Azis Akbar Ramadhan, "Sengketa Kompetensi Absolut Pengadilan Negeri Dan Pengadilan Tata Usaha Negara Terkait Dengan Perkara Sengketa Pertanahan," *Journal of Mandalika Literature* 6, no. 1 (2025): 264–78, <https://doi.org/https://doi.org/10.36312/jml.v6i1.3993>.

validity of the procedures for issuing the certificate, jurisdiction lies with the State Administrative Court (PTUN)⁴². However, in many cases, these two aspects are interrelated and difficult to separate. To address this, Supreme Court jurisprudence provides guidance that disputes over land ownership rights must first be resolved in the General Courts before determining the validity of the certificate in the State Administrative Court (PTUN)⁴³. This approach aims to avoid conflicting rulings between the two judicial institutions

C. Analysis of the Synchronization of Norms between the Basic Agrarian Law (UUPA) and Government Regulation No. 24 of 1997, and a Comparison of Positive Publication Systems

An analysis of the provisions of the Basic Agrarian Law (UUPA) and Government Regulation No. 24 of 1997 reveals that the two

⁴² Irwan Triyanto and Widyarini Indriasti Wardani, "Penyelesaian Sengketa Tanah Melalui Putusan Perdamaian Oleh Pengadilan (Studi Kasus Putusan Pengadilan Negeri Demak Nomor:5/Pdt.g/2018/PN.DMK)," *Jurnal Akta Notaris* 2, no. 1 (2023): 58–67, <https://doi.org/10.56444/aktanotaris.v2i1.894>.

⁴³ Nadia Safira Syazwani, Oryza Villa Sativa, and Dhimas Anggana Syahreza Pratama, "Perlindungan Hak Warga Negara Dalam Sengketa Sertifikat Tanah Ganda Ditinjau Dari Asas Praduga Rechmatige," *Journal of Innovative & Creativity* 5, no. 3 (2025): 34578–34582, <https://doi.org/https://doi.org/10.31004/joecy.v5i3.5359>; Devi Anggita and Fitika Andraini, "Pelimpahan Kewenangan Peradilan Tata Usaha Negara Ke Peradilan Umum Atas Sengketa Pertanahan Dengan Objek Sertipikat Tanah," *Jurnal HUKUM Lex Generalis* 6, no. 8 (2025): 1–20, <https://doi.org/https://doi.org/10.56370/jhlg.v6i8.1456>.

regulations are fundamentally synchronized and consistent with one another, given that the latter serves as an implementing regulation designed to further elaborate on the UUPA's provisions regarding land registration. Consequently, the vulnerabilities that could potentially lead to overlapping land titles are best examined through the lens of implementation and procedural shortcomings rather than conflicting legal norms. This section also compares the "negative publication system with positive tendencies" adopted by Indonesia with the "positive publication system" (*Torrens system*) used in Australia, with the aim of strengthening the national land law system.

1. *The Negative Publication System and Its Implications*

The UUPA adopts a negative publication regime, meaning that while land certificates constitute strong evidence of ownership, the state does not bear full responsibility for ensuring the absolute correctness of the data incorporated therein⁴⁴. Article 19(2)(c) of the UUPA merely states that land registration produces "documents evidencing rights, which serve as strong evidence"⁴⁵. The phrase "strong evidence" indicates

that the certificate is not incontrovertible evidence.

On the other hand, PP No. 24 of 1997 introduces a positive aspect to this negative publication system through the provisions of Article 32(2). This provision protects certificate holders who meet certain requirements (good faith, actual possession, and no objections for 5 years) from potential future lawsuits⁴⁶. This approach is known as the

⁴⁴ Suhariono et al., "Sistem Publikasi Pendaftaran Tanah (Kajian Sistem Publikasi Negatif Bertendensi Positif)."

⁴⁵ Desi Apriani and Arifin Bur, "Kepastian Hukum Dan Perlindungan Hukum Dalam Sistem Publikasi Pendaftaran Tanah Di Indonesia," *Jurnal Bina Mulia Hukum* 5, no. 2 (December 2020): 220–39, <https://doi.org/10.23920/jbmh.v5i2.11>.

⁴⁶ Gunawan Gunawan, Happy Yulia Anggraeni, and Ligar Ayu Pramesty, "Perlindungan Hukum Dan Kepastian Hukum Kepemilikan Tanah Melalui Pendaftaran Tanah Berdasarkan Sistem Publikasi Negatif Bertendensi Positif," *UNES LAW REVIEW* 5, no. 4 (2023): 1962–69, <https://doi.org/https://doi.org/10.31933/unresrev.v5i4.567>.

“positive-tending negative publication system”⁴⁷. However, the lack of clarity regarding the boundaries and criteria for “good faith” and “actual possession” leads to inconsistencies in its application. In judicial practice, judges have broad discretion in interpreting these two concepts, which has the potential to result in inconsistent rulings in similar cases⁴⁸.

2. Comparison with the Positive Publication System: An Australian Case Study

By comparison, Australia employs a positive publication system (*the Torrens system*), which differs fundamentally from the negative-leaning-positive publication system adopted by Indonesia. Under the Torrens system, the state actively guarantees the accuracy of data recorded in the land register, rendering issued certificates indefeasible—except in limited instances such as fraud⁴⁹. Consequently, the risk of overlapping certificates is significantly lower in Australia than in Indonesia, as the state bears the risk of registration errors through a compensation scheme (*assurance fund*) rather than placing the burden on the rights holder⁵⁰. This comparison demonstrates that a full transition to a positive publication system could substantially strengthen legal certainty; however, its implementation in Indonesia must take into account the readiness of land registration infrastructure, the accuracy of spatial data, and the institutional capacity of the

⁴⁷ Gerald Alvaro Gwaine Purba and Anak Agung Angga Primantari, “Sertifikat Ganda Dalam Sengketa Tanah: Tinjauan Hukum Validitas Sertifikat Hak Milik Dalam Sistem Pertanahan Nasional,” *Jurnal Media Akademik (JMA)* 3, no. 10 (2025): 1–15, <https://doi.org/https://doi.org/10.62281/av4z6d71>.

⁴⁸ Andi Abdi Islam, Syahrudin Nawi, and Andi Risma, “Penerapan Pasal 32 Ayat (2) PP 24 Tahun 1997 Tentang Pendaftaran Tanah Mengenai Asas Rechtsverwerking,” *Journal of Lex Philosophy* 5, no. 2 (2024): 1572–87, <https://pasca-umi.ac.id/index.php/jlp/article/view/1956>.

⁴⁹ D J Whalan, *The Torrens System in Australia* (Law Book Company, 1982), <https://books.google.co.id/books?id=XPsih-IFV-0C>.

⁵⁰ Utami and Cahyono, “Perlindungan Hukum Bagi Pemegang Hak Atas Tanah Dikaitkan Dengan Sistem Publikasi Negatif Bertendensi Positif Dalam Sistem Pendaftaran Tanah Secara Elektronik: Studi Banding Dengan Negara Australia.”

National Land Agency (BPN), as outlined in the recommendations for norm harmonization in the following section.

3. *Procedural Weaknesses in Land Registration*

PP No. 24 of 1997 regulates land registration procedures in detail, ranging from covering the entire land registration procedure, including the acquisition and verification of physical and juridical data prior to the issuance of certificates. However, several procedural weaknesses can be identified as factors contributing to the issuance of duplicate certificates:

a. Inaccuracies in Spatial Data

Not all land parcels in Indonesia have been systematically mapped on the base map for land registration. This is evidenced by numerous cases involving measurement errors, inaccuracies in initial data, or differing interpretations of land boundaries that can trigger disputes between land parcels⁵¹. This situation makes it difficult to identify overlapping land parcels during the registration process.

b. Inconsistencies in Legal Data

The title documents that form the basis for registration are often inconsistent or even overlapping, especially for lands derived from the conversion of customary rights.

c. Weaknesses in the Announcement Mechanism

Article 26 of PP No. 24 of 1997 on Land Registration stipulates the public notice of land registration to provide interested parties with the opportunity to file objections⁵². However, the public notice mechanism through print media and

⁵¹ Pahlefi Pahlefi et al., "Pendaftaran Tanah Sebagai Langkah Menuju Kepastian Hukum Dan Perlindungan Hak Milik," *Jurnal Pengabdian Masyarakat Dan Riset Pendidikan* 4, no. 4 (March 7, 2026): 22121–33, <https://doi.org/10.31004/jerkin.v4i4.5786>.

⁵² Republik Indonesia, Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah, Pasal 26. <https://peraturan.bpk.go.id/Details/56273/pp-no-24-tahun-1997>

bulletin boards at land offices is often ineffective in reaching all interested parties⁵³.

4. *Recommendations for Harmonization of Legal Norms*

Based on the above analysis, several recommendations can be proposed for the harmonization of agrarian legal norms in order to prevent and resolve dual certificate disputes:

a. Strengthening the Land Information System

The digitization of land registration in Indonesia is a strategic step toward strengthening legal certainty regarding land rights amidst the complexity of land history, the diversity of land rights regimes, and the large number of unregistered land parcels. This transformation includes the implementation of electronic certificates, the digitization of land books and survey documents, the utilization of Geographic Information Systems (GIS), digital cadastral maps, electronic registries, and online land services. This modernization aims to achieve a land administration system that is more accurate, transparent, and easily accessible. Digitization also contributes to improving data quality through centralized storage systems, the use of certified electronic signatures for document authentication, and the implementation of digital audit trails that can prevent manipulation. Additionally, GIS integration enables clear spatial delineation of land parcel boundaries, thereby reducing the potential for overlapping claims – a primary cause of disputes⁵⁴.

However, the accelerated implementation of electronic certificates as stipulated in Minister of Agrarian Affairs and

⁵³ Putri Rani Margaret Sipahutar, Herlina Manullang, and Besty Habehan, “Perlindungan Hukum Terhadap Pemilik Tanah Yang Dirugikan Akibat Tumpang Tindih Sertipikat (Studi Putusan Nomor 25/Pdt. G/2023/Pn. Palu),” *Jurnal Ilmu HUKUM, HUMANIORA Dan Politik* 6, no. 3 (2026): 1809–1824, <https://doi.org/https://doi.org/10.38035/jihhp.v6i3.7870>.

⁵⁴ Nasab Sabrina Febriyanti et al., “Trasnformasi Digital Pendaftaran Tanah Sebagai Langkah Strategis Mewujudkan Kepastian Hukum Hak Atas Tanah,” *Wathan: Jurnal Ilmu Sosial Dan Humaniora* 3, no. 1 (2026): 132–47, <https://doi.org/https://doi.org/10.71153/wathan.v3i1.443>.

Spatial Planning/Head of the National Land Agency Regulation No. 1 of 2021 must be accompanied by the strengthening of adequate infrastructure and regulations. The implementation of digitization still faces a number of challenges, including infrastructure disparities, the condition of old documents that are damaged and disorganized, cybersecurity threats, the lack of synchronization in regulations regarding the evidentiary weight of electronic certificates, as well as limited digital literacy among both the public and government officials. Therefore, for digitization to truly enhance legal certainty, an integrated policy framework is required, encompassing regulatory harmonization, infrastructure strengthening, data security enhancement, human resource capacity development, and the provision of hybrid-based services.

b. Revision of Provisions on Good Faith

The negative publication system adopted in Indonesia cannot be understood as a system that lacks legal certainty, as its application is limited to a five-year period. Furthermore, this negative publication system still contains positive elements, wherein through its authorized institutions, the state is obligated to ensure the accuracy, reliability, and legal validity of the data maintained within the land administration framework once the land has been registered and the five-year period has elapsed. Philosophically, this system aligns with the legal values embedded in society, which emphasize that land ownership must be based on good faith, actual possession, and sustainable maintenance. Nevertheless, the lack of clarity regarding the criteria for “good faith” and “actual possession” raises serious issues in practice⁵⁵.

Efforts to transition the publication system toward a positive system have not yet been realized because the existing legal framework is insufficient, and the administrative conditions for land registration in Indonesia are still not optimally organized. Therefore, it is necessary to formulate clearer and more

⁵⁵ Apriani and Bur, “Kepastian Hukum Dan Perlindungan Hukum Dalam Sistem Publikasi Pendaftaran Tanah Di Indonesia.”

measurable criteria regarding these two concepts in regulations so that judges no longer have overly broad discretion in their application, thereby ensuring consistency in rulings for similar cases.

c. Strengthening Verification Procedures

The land registration process faces several legal obstacles, such as unclear provisions in certain land regulations, overlapping authorities among agencies, weak validation of physical and legal data, limited human resources and technology, and inconsistent administrative practices across regions. These obstacles lead to a high risk of land disputes, discrepancies in land certificate data, and low success rates for strategic programs such as the Comprehensive Systematic Land Registration (PTSL).

To address these procedural weaknesses, this study recommends several solutions, such as harmonizing agrarian regulations, strengthening the integration of land information systems, enhancing institutional capacity, and implementing stricter oversight of the data verification process. Specifically regarding the strengthening of verification procedures, cross-checking of existing land parcel maps must be mandated before certificates are issued to prevent overlaps from the initial registration stage⁵⁶.

d. Modernization of the Announcement Mechanism

The announcement mechanism in land registration is part of the principle of publicity, which aims to provide interested parties with the opportunity to file objections. However, in practice, the implementation of announcements via bulletin boards at sub-district offices and land offices is often ineffective. This study identifies inconsistent administrative practices across various regions as a significant obstacle, and subsequently recommends the need for harmonization of agrarian regulations and the

⁵⁶ Adi Nugroho et al., "Pendaftaran Tanah Tantangan Hukum Dalam Pelaksanaan Pendaftaran Tanah," *Humantech: Jurnal Ilmiah Multidisiplin Indonesia* 5, no. 1 (2025): 68–76, <https://doi.org/https://doi.org/10.32670/ht.v5i1.5728>.

strengthening of land information system integration as a comprehensive solution.

Modernizing the announcement mechanism through the official online portal must be prioritized so that the reach of land registration information can be significantly expanded. This is in line with the spirit of digital transformation in land administration, which promotes the use of information technology for all land-related services, ensuring that interested parties, whether located locally or outside the region, have equal access to information and the ability to file objections regarding ongoing land registrations⁵⁷.

e. Strengthening Institutional Capacity

Persistent challenges in Indonesia's land sector, particularly those related to administrative complexity, recurring land disputes, and unequal access to land services, have highlighted the urgency of reforming the existing land governance framework. Against this backdrop, Presidential Regulation No. 177 of 2024 was introduced as a legal and policy instrument designed to enhance the effectiveness of land administration by promoting institutional restructuring, accelerating the digitalization of land services, and strengthening the capacity of human resources (SDM) involved in the administration of land affairs.

These reforms have had a significant impact. The implementation of this Presidential Regulation has significantly influenced the institutional governance of the National Land Agency (BPN) by establishing a more structured allocation of authority and reinforcing inter-agency coordination with the Ministry of Agrarian Affairs and Spatial Planning (ATR). Such institutional adjustments have strengthened the administrative framework for land governance and enhanced the effectiveness of policy implementation. Moreover, the integration of digital technology into land administration services has facilitated more efficient bureaucratic processes, reduced vulnerabilities to data

⁵⁷ Nugroho et al. "Pendaftaran Tanah Tantangan Hukum Dalam Pelaksanaan Pendaftaran Tanah,"

falsification and administrative irregularities, and supported the timely resolution of land disputes through more reliable verification and management of land information. Concurrently, efforts to improve the competence of human resources through continuous technical and non-technical capacity-building programs have contributed to the enhancement of professional standards among land administration officials, thereby improving both the quality of public services and the effectiveness of land dispute mediation mechanisms.

However, the implementation of this policy still faces a number of obstacles, such as internal resistance, the digital divide in remote areas, and limitations in supporting infrastructure. Therefore, regular training programs and a more systematic internal oversight system remain necessary as part of efforts to strengthen sustainable institutional capacity⁵⁸.

Conclusion

This study concludes that overlapping land title certificates give rise to complex legal consequences, including uncertainty regarding ownership status, the potential for certificate revocation, and the legal liability of the National Land Agency (BPN) under Articles 1365 and 1366 of the Civil Code. This uncertainty does not stem from a normative conflict between Basic Agrarian Law No. 5 of 1960 and Government Regulation No. 24 of 1997—as the two regulations are fundamentally synchronized and consistent with one another—but rather from implementation weaknesses, specifically the lack of clarity regarding the criteria for "good faith" and "actual possession," which

⁵⁸ Duma Indah Sari Lubis, Andi Hakim Lubis, and Rodiatun Adawiyah, "Reformasi Birokrasi Dalam Pengelolaan Pertanahan Nasional (Analisis Terhadap Implementasi Peraturan Presiden No. 177 Tahun 2024 Dalam Meningkatkan Efektifitas Dan Keadilan Sosial Di Indonesia)," *Jurnal Ilmiah Penelitian: Law-Jurnal* 5, no. 1 (2024): 45–57, <https://doi.org/https://doi.org/10.46576/lj.v5i1.5514>.

allows for excessive judicial discretion and potentially leads to inconsistent rulings.

Dispute resolution can be pursued through mediation at the Land Office as an efficient non-litigious but non-enforceable avenue, or through the General Courts or the State Administrative Court (PTUN), depending on the substance of the claim. The dual jurisdiction of these two judicial institutions requires consistent jurisprudential guidelines. To prevent and resolve these issues systematically, harmonization of agrarian legal norms is required, encompassing the clarification of good faith criteria in regulations, the acceleration of land administration digitization along with the harmonization of electronic certificate regulations, the strengthening of spatial data cross-verification procedures, the modernization of announcement mechanisms through online portals, and the continuous enhancement of the BPN's institutional capacity. These steps need to be implemented synergistically as the foundation for strengthening national land legal certainty.

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