

Settlement of Disputes Regarding Ownership Rights to Land with Multiple Certificates

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Abstract

One of the problems often faced between the community and the government through the Agrarian and Spatial Planning/National Land Agency is the existence of duplicate certificates. The issuance of a double certificate for the land can cause a legal problem considering that the certificate functions as evidence of land rights or mortgage rights. The original owner of the land with a double certificate also needs to be given legal guarantees in the form of legal protection for ownership of the certificate document. Regarding the case of a double certificate dispute, it also occurred in the jurisdiction of the Agrarian and Spatial Planning/National Land Agency of Tegal City.

This research uses a qualitative approach. The type of research in this legal research is empirical legal research. The data sources of this research use interviews and secondary data. The data collection technique for this research was carried out through conventional and online literature searches as well as interview methods. The data analysis technique used in this legal research uses qualitative data analysis techniques.

The results of the research and discussion can be concluded as follows: Factors that can cause the emergence of dual land title certificates include several technical errors, due to overlapping in the issuance of land title certificates, and influenced by internal and external factors. The existence of dual land title certificates creates legal uncertainty in terms of land registration. Land title certificates should be strong proof of land ownership.; Settlement of disputes over ownership of dual-certified land in Tegal City by the Agrarian and Spatial Planning/National Land Agency of Tegal City is through mediation. In mediation, each party acknowledged ownership of 25 m² of land.² and an agreement was reached that Brother Mohamad would pay for 25 m² of land.² at a price of Rp. 45,000,000 to Mr. Tarjani. The Agrarian and Spatial Planning/National Land Agency of Tegal City has revised the Certificate of Ownership Number 4820/Kraton and Certificate of Ownership Number 269/Kraton so that there is no overlap. The issuance of the revised certificate of title is a form of state legal protection for the owner of the land certificate of title.

Keywords: *Double; Dispute; Certificate*

I. Introduction

The Unitary State of the Republic of Indonesia, namely a state of law that is oriented towards public welfare as stated in the 1945 Constitution of the Republic of Indonesia, will not be free from legal disputes over land which are fundamental problems in society, especially concerning land. In such a form of state, the government will enter almost all aspects of the people's lives and livelihoods, both as individuals and as a society.¹

Land rights are still seen as natural rights that must be respected by all groups including the state, although there are still restrictions related to

¹ Silviana, B. M. P. dan A. Analisis Yuridis Penyelesaian Sengketa Kepemilikan Tanah Bersertifikat Ganda. *AL Manhaj: Jurnal Hukum Dan Pranata Sosial Islam*, Vol. 5, No. 2 (2023). Retrieved from <https://ejournal.insuriponorogo.ac.id/index.php/almanhaj/article/download/3656/2111/>.

public interest, control and utilization and its extent.² Because of the importance of land for life, humans always try to own and control land. Land control is attempted as much as possible to improve the welfare of life. Various efforts are made by humans to be able to control land and of course defend it from other parties.³

The right to own land or in the language of the Republic of Indonesia Law Number 5 of 1960 concerning Basic Agrarian Regulations (Basic Agrarian Law) is called land rights, in essence contains power or authority for its holders simultaneously burdened with obligations. Land rights in national land law give the holder the authority to use and utilize, or collect all benefits from the land. It is recognized that land as an object of rights has an important position in human life and livelihood, in social relations, and in the administration of the state. Therefore, rights whose object is land or hereinafter referred to as land rights, are also attached to interests that demand attention.

Generally, land ownership rights can be obtained in several ways that have been commonly applied by a number of groups in society or in other words, the transfer of land rights can be done in various ways.⁴ Such as hereditary, controlling, and owning based on inheritance rights, or division of assets. It can also be done by intentionally entering into certain legal relationships, which make them have rights to the land, such as grants, sales, or leases. The process of transferring land ownership rights is sometimes not accompanied by strong legal evidence, but is only based on trust relationships alone, often denying evidence of land ownership rights. This method is still used by some groups in our society, especially those who live in rural areas.

The Agrarian Tree Law never mentions land certificates, but as found in Article 19 Paragraph (2) letter c there is mention of "letter of proof of rights". In the everyday sense, this letter of proof of rights is often

² Noor, A. *Konsep Hak Milik Atas Tanah Bagi Bangsa Indonesia Ditinjau Dari Ajaran Hak Asasi Manusia*. Bandung: Mandar Maju, 2006.

³ Siahaan, M. P. *Bea Perolehan Hak Atas Tanah dan Bangunan: Teori dan Praktik*. Jakarta: PT Raja Grafindo Persada, 2005.

⁴ Latifiani, D. Pemahaman Syarat dan Cara Membuat Akte Otentik Hibah (Upaya Preventif Meminimalisir Sengketa Hibah). *Indonesian Journal of Legal Community Engagement*, Vol. 1, No. 2 (2019). Retrieved from <https://journal.unnes.ac.id/sju/JPHI/article/view/28575/12872>.

interpreted as a land certificate that functions as a strong and authentic evidence tool. The certificate can only be submitted to the party whose name is listed in the relevant land book as the right holder or to another party authorized by him. In a certificate of land rights, several things are explained, including the type of land rights and the validity period of the land rights, for the type of rights other than the name of the holder, a description of the physical data of the land, as well as records of events related to the land (for example records of transfer of rights, sales, grants, etc.).

One of the problems often faced between the community and the government through the Agrarian and Spatial Planning/National Land Agency is the existence of duplicate certificates. A duplicate certificate means that more than one certificate is issued, the location of the land of which overlaps in whole or in part⁵ or it can be said that a plot of land is registered in 2 (two) certificates which are both officially issued by the Agrarian and Spatial Planning/National Land Agency of the Regency/City.

The consequence of the issuance of double certificates is that it causes disputes between the parties and to prove the guarantee of legal certainty for the land, it is resolved through the judicial institution. The emergence of land problems with double certificates is no longer only related to the need for housing and economics, but has spread to areas that are no longer individual and have expanded to areas that are public and complex, such as politics, social, culture and related to issues of nationalism and human rights,⁶ with the issuance of double certificates for the land, it can cause a legal problem considering that the certificate functions as evidence of land rights or mortgage rights. The original owner of land with double certificates also needs to be given legal guarantees in the form of legal protection for ownership of the certificate document.

Land disputes in Indonesia can be said to be increasing every year, where in just two years, the number of land dispute cases reported by the Agrarian and Spatial Planning/National Land Agency of the Republic of

⁵ Hermit, H. *Cara Memperoleh Sertipikat Tanah Milik, Tanah Negara dan Tanah Pemda, Teori dan Praktek Pendaftaran Tanah di Indonesia*. Bandung: Mandar Maju, 2004.

⁶ Sembiring, J. J. *Cara Menyelesaikan Sengketa Di luar Pengadilan*. Jakarta: Visi Media, 2011.

Indonesia increased by five thousand cases. It is strongly suspected that land disputes that are based on double certificates are suspected of being due to a lack of transparency in terms of land control and ownership caused by limited data and information on land control and ownership, as well as the lack of transparency of information available in the community is suspected to be one of the causes of land disputes in the community.

Related to the case of a double certificate dispute also occurred in the jurisdiction of the Agrarian and Spatial Planning/National Land Agency of Tegal City. An example of a case that occurred was between a person named Tarjani as the complainant and Mohamad as the party complained about. Mr. Tarjani's complaint regarding land and building problems with Certificate of Ownership Number 4820, Kraton Village, on April 18, 2022, covering an area of $\pm 106 \text{ m}^2$.

The chronology of the problem is because Mr. Tarjani controls the land and building based on the Deed of Sale and Purchase Number 17/II/1972 dated February 28, 1972 which was then registered in the village C Number 194 pers.68d.II in the name of Soedarno and Tarjani. In 2017, he registered his land ownership rights through the Complete Systematic Land Registration (PTSL) program at the Agrarian and Spatial Planning/National Land Agency of Tegal City. According to Mr. Tarjani, part of the land was claimed by Mr. Mohamad. It is known that Mohamad is the owner of the land and building with a Certificate of Ownership Number 269/Kraton with an area of 255 m^2 which directly borders Mr. Tarjani's land.

Based on the physical data available at the Agrarian and Spatial Planning/National Land Agency of Tegal City, Mohamad's land is included in the Tarjani Certificate with an area of 25 m^2 . Based on this, the Agrarian and Spatial Planning/National Land Agency of Tegal City has revised the Certificate of Ownership Number 4820/Kraton which was originally 131 m^2 to 106 m^2 . Mr. Tarjani did not accept the revision and insisted that there was no overlap in the land he controlled.

Administratively, at the Agrarian and Spatial Planning/National Land Agency of Tegal City, the land and buildings with Certificate of Ownership Number 4820/Kraton and Certificate of Ownership Number 269/Kraton have been corrected so that there is no overlap. Meanwhile, Mr. Tarjani's ownership claim is a civil matter between both

parties. The Agrarian and Spatial Planning/National Land Agency of Tegal City has the authority to respond to Mr. Tarjani's mediation request by carrying out mediation in accordance with the authority stipulated in the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 21 of 2020 concerning Handling and Settlement of Land Cases.

Based on the description above, the author concludes that the problem or dispute over ownership of dual-certified land in Tegal City in particular needs to be studied, so in this case the author is very interested in analyzing the problems through a scientific work with the hope of gaining further knowledge and in-depth study entitled "Resolution of Disputes over Ownership of Dual-Certified Land".

II. Method

The research approach used in writing this thesis is qualitative. A qualitative research approach is a process of research and understanding based on a method that investigates a social phenomenon and human problems. The type of research in this legal research is empirical legal research. Empirical legal research is legal research based on primary or basic data from society as the main source through field research.⁷

III. Result & Discussion

A. Factors That Can Cause the Emergence of Dual Certificates of Land Ownership Rights

Land issues are issues that concern the most basic rights of the people. The more complex human interests in a civilization are, the higher the potential for disputes that occur between individuals and between groups in a particular population. The emergence of disputes is difficult to avoid. Conflicts, disputes, and argumentative debates are one of the efforts made by humans to maintain recognition in the process of achieving an interest. Disputes occur because of conflicting interests, this condition can cause serious problems to the pattern of relations

⁷ Effendi, J. *Metode Penelitian Hukum: Normatif dan Empiris*. Depok: Prenandamedia Goup, 2018.

between humans and land and the relationship between humans who are land objects.⁸

One of the disputes related to land is a double land title certificate. Double land title certificates are certificates that describe the same plot of land. So that one plot of land is described with 2 (two) or more certificates with different data. This kind of thing is also called overlapping certificates (*overlapping*), either overlapping the entire area or overlapping part of the land.

In reality, double land title certificates are one of the problems found in society. The high level of land problems not only disturbs the community but also greatly affects the performance of the Agrarian and Spatial Planning/National Land Agency as an institution that has the main task of implementing land administration.

The cause of the occurrence of duplicate land title certificates can be due to elements of intent, unintentional and administrative errors. The emergence of duplicate land title certificates is also caused by the lack of discipline and order of government officials related to the land sector in carrying out their duties.

From the theoretical perspective and expert opinions, the factors causing the occurrence of duplicate land title certificates are as follows:

- 1) Duplicate land title certificates can occur due to several technical errors.
- 2) The occurrence of duplicate land title certificates is one of the consequences of overlapping in the issuance of land title certificates which is called an administrative legal defect.
- 3) The occurrence of multiple land title certificates is influenced by internal and external factors. These factors are seen from within the government Agrarian office in making and issuing land certificates.

⁸ Sukarno, R. T., & Boediningsih, W. Penyelesaian Sengketa Sertifikat Ganda Hak Atas Tanah (Studi kasus di PTUN Semarang). *Journal ...*, No. 3 (2022): 407–412. Retrieved from <http://ojs.cahayamandalika.com/index.php/jtm/article/view/1027%0Ahttps://ojs.cahayamandalika.com/index.php/jtm/article/download/1027/860>

The occurrence of duplicate land title certificates, apart from the factors mentioned above, is the result of weaknesses in the publication system used in Indonesia, namely a negative publication system that contains positive elements as stated in the provisions of Article 19 Paragraph (2) letter c of the Basic Agrarian Law which states that the granting of valid proof of title letters is a strong means of proof.⁹ By using the word "strong", it can be seen that the publication system used is negative, because if a positive publication system is used, then the correct word is absolute, so that the certificate is only strong evidence and not absolute evidence.

Lack of transparency in terms of land control and ownership is caused by limited data and information on land control and ownership, as well as the lack of transparency of information available in the community is one of the causes of land disputes. This causes the concentration of land control and ownership in terms of area in rural areas and/or the number of land plots in urban areas, only in a small part of the community. On the other hand, land certification still seems to tend towards demand access, which far exceeds the supply side, although land administration projects such as pronra and adjudication projects have been relatively successful in achieving their goals.

Another cause of land disputes is the high economic value of land and land is a symbol of existence and social status in society, resulting in vertical and horizontal land conflicts. The meaning and value of land that is so strategic and special encourages everyone to own, maintain and care for their land well, if necessary to defend it with all their might until the last drop of blood.

The roots of multidimensional land conflicts and disputes cannot be seen as mere legal issues, but are also related to other variables, namely non- legal, including the weakness of land certification regulations that have not reached 50%. The overlapping of the issuance of a decision from agencies directly related to land is also a factor in the emergence of land disputes. For example, the issuance of a decree for coal mining which must

⁹ Panget, A. E. *Penyelesaian Hak Atas Tanah Yang Memiliki Sertifikat Hak Milik Ganda. Lex Administratum*, I(3), 2013: 1–4.

be issued by several government agencies including the Ministry of Forestry, the Ministry of Mining and others related to the decree. These disputes occur due to the lack of coordination between the land acquisition organizing agency and other related parties, such as the local Agrarian and Spatial Planning Office/National Land Agency. This means the government's inconsistency in issuing regulations in the land sector and weak supervision when implementing these regulations.

There is also one cause of disputes and land certificates that is often forgotten, namely natural disasters that cause land title documents to be lost or damaged.

The problem of double land certificates shows that the Agrarian and Spatial Planning/National Land Agency is still weak in providing public services, especially land registration. The existence of a land registration system has not fully guaranteed the certainty of the rights of land certificate holders, because land dispute cases can also occur on land objects that have been certified. Among them are marked by the emergence of cases of double land certificates that are still uncertain in the land administration system.

The impact of having multiple land title certificates is that¹⁰ land title disputes occur and their resolution often occurs through the courts, whereas resolution through deliberation is very unlikely, because each party will continue to maintain the truth of their respective evidence.

- 1) The occurrence of public unrest, especially for land seekers will always be plagued by feelings of worry. Fear that the land to be purchased turns out to be disputed land.
- 2) For parties in dispute over their land, anarchy can arise with people taking the law into their own hands, which can lead to tension in society.
- 3) Creates a bad impression of the Agrarian and Spatial Planning Agency/National Land Agency as an institution that issues land certificates.

¹⁰ Syah, M. I. Sertifikat Tanah Ganda Akibat Lemahnya Data Base Pertanahan. *Jurnal Ilmiah Hukum Dirgantara*, Vol. 4, No. 2 (2014): 44–56. doi:10.35968/jh.v4i2.97

Duplicate land certificates often occur in areas that are still empty, undeveloped and in areas bordering the city where there are no land registration maps for these locations. From the theory and expert opinions, the factors causing the occurrence of duplicate land certificates are as follows:

- 1) Duplicate land title certificates can occur due to several technical errors;
- 2) The occurrence of duplicate land title certificates is one of the consequences of overlapping in the issuance of land title certificates which is called an administrative legal defect.
- 3) The occurrence of duplicate land title certificates is influenced by internal and external factors.

B. Settlement of Disputes Over Ownership of Land Rights with Dual Certificates in Tegal City by the Agrarian and Spatial Planning/National Land Agency of Tegal City

To overcome the problem of land disputes, the government issued legislation in the field of land, namely Law of the Republic of Indonesia Number 5 of 1960 concerning Basic Agrarian Regulations or commonly referred to as the Basic Agrarian Law. The Basic Agrarian Law with a set of regulations regarding land aims to ensure legal certainty for land rights in the territory of Indonesia. The emergence of land disputes begins with objections related to demands for land rights, both regarding land status, priority and ownership, with the hope of obtaining administrative resolution in accordance with applicable provisions. The enactment of the Basic Agrarian Law is a breakthrough in ensuring justice and legal certainty, order, and the welfare of the Indonesian people related to applicable land regulations.

The establishment of the Agrarian and Spatial Planning/National Land Agency which is strengthened by the issuance of a presidential regulation, is prepared by considering the aspirations and roles of the community in order to realize general welfare. The Agrarian and Spatial Planning/National Land Agency plays a role in helping and serving the

community to obtain their rights in the land sector in accordance with applicable rules and regulations, as well as helping the community to find a way out if there is a dispute between the community and other communities related to land.

Agrarian and Spatial Planning/National Land Agency does not provide a guarantee of the accuracy of physical and legal data of a land. This possibility arises if there is a party who feels aggrieved and files a claim or lawsuit to the court with strong evidence that the land is actually his property. This step is taken to ensure that in the process of making or registering land rights, there are no errors or mistakes.

The Agrarian and Spatial Planning/National Land Agency has a specific mechanism in handling and resolving land cases or disputes, including disputes over double land title certificates, namely:

- 1) Land disputes are usually known to the Agrarian and Spatial Planning/National Land Agency from complaints;
- 2) Complaints are followed up by identifying the problem. It is ensured whether the problem element is the authority of the Agrarian and Spatial Planning/National Land Agency or not;
- 3) If it is indeed within their authority, then the Agrarian and Spatial Planning/National Land Agency will investigate the problem to prove the truth of the complaint and determine whether the complaint is justified to be processed further;
- 4) If the research results need to be followed up with an examination of physical administrative and legal data, the head of the office can take steps in the form of preventing mutations (*status quo*);
- 5) If the problem is strategic, then it is necessary to form several work units. If it is political, social, and economic, then the team involves institutions such as the DPR or DPRD, the department of home affairs, and related regional governments;
- 6) The team will compile a research report to provide recommendations for solving the problem.

If there is an allegation that the complaint can be processed, then it is resolved through the stage of possible prevention of mutation that the land is in dispute. However, if the complaint does not contain strong reasons and must go through the process of other institutions or agencies, then the person concerned is informed of these matters and it is stated that the complaint cannot or has not been considered.

Agrarian and Spatial Planning/National Land Agency of Tegal City always seeks solutions to land disputes based on applicable laws and regulations by taking into account the sense of justice and respecting the rights and obligations of each party. The steps to resolve disputes that Agrarian and Spatial Planning/National Land Agency of Tegal City take are mediation or deliberation. Likewise in disputes over dual land title certificates, Agrarian and Spatial Planning/National Land Agency of Tegal City also has the authority to conduct negotiations, mediation and facilitation for the disputing parties and initiate an agreement between the parties.

Mediation as a dispute resolution process involving disputing parties often has a positive impact by reaching an agreement between them. In the context of land dispute resolution, the results of mediation can include a decision by one party to relinquish its rights related to the land that is the subject of the dispute.

The next step taken after one party is willing to relinquish their rights is to submit an application for cancellation of land rights. This process is then carried out through the mechanism regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020 concerning Handling and Settlement of Land Cases in Chapter V concerning Cancellation of Legal Products.

Cancellation of certificates by the Agrarian and Spatial Planning/National Land Agency of Tegal City is carried out by submitting a written application to the Minister or the Ministry of Agrarian and Spatial Planning/National Land Agency through the Head of the Land Office whose work area covers the location of the land in question. This process allows interested parties to request cancellation of land title certificates on certain grounds, which will then be evaluated by the Agrarian and Spatial Planning/National Land Agency of Tegal City in accordance with applicable legal procedures and provisions.

The method used by the Agrarian and Spatial Planning/National Land Agency of Tegal City in resolving disputes over double land certificates in Tegal City is through mediation which begins with the plaintiff reporting his lawsuit to the Agrarian and Spatial Planning/National Land Agency of Tegal City. Handling of land problems through mediation by the Agrarian and Spatial Planning/National Land Agency of Tegal City is usually based on two main principles, namely:

1. The formal truths of the facts underlying the problem in question.
2. The free will of the disputing parties regarding the disputed object.

Agrarian and Spatial Planning/National Land Agency of Tegal City as a mediator has a role to help the parties understand each other's views and help find things that are considered important to them. The mediator facilitates the exchange of information, encourages discussion of differences in interests, perceptions, interpretations of situations and problems and regulates the expression of emotions. This is in accordance with the role of the mediator who helps the parties prioritize problems and emphasizes discussion of common goals and interests. The mediator will often meet with the parties in person. As a forum for information between the parties, the mediator will have more information about the dispute and problems than the parties and will be able to determine whether there is a basis for an agreement.

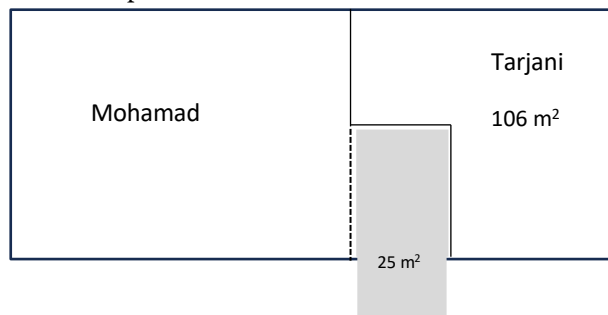
The advantages and disadvantages of resolving disputes through mediation will be explained by the Agrarian and Spatial Planning/National Land Agency of Tegal City. All decisions are returned to the parties through an agreement because the Agrarian and Spatial Planning/National Land Agency is only a facilitator in the settlement and does not decide unilaterally. Decisions are taken through an agreement of the parties, but if mediation fails, the land dispute is resolved through legal channels, namely the judicial institution.

One of the cases of dispute over double land certificates in Tegal City was experienced by a man named Tarjani. Mr. Tarjani controlled the land and buildings based on the Deed of Sale and Purchase Number

17/II/1972 dated February 28, 1972 which was then registered in the village C Number 194 pers.68d.II in the names of Soedarno and Tarjani. In 2017, Mr. Tarjani registered his land ownership rights through the Complete Systematic Land Registration (PTSL) program at the Agrarian and Spatial Planning/National Land Agency of Tegal City.

According to Brother Tarjani, part of the land (25 m²)² claimed to belong to Mr. Mohamad. It is known that Mr. Mohamad is the owner of the land and building with Certificate of Ownership Number 269/Kraton with an area of 255 m² which directly borders on land owned by Mr. Tarjani.

The land plan belonging to Mr. Mohamad and Mr. Tarjani which can be said to overlap can be described as follows:



Information:

■ : Overlapping Objects of Dispute

The Agrarian and Spatial Planning/National Land Agency of Tegal City then carried out mediation of Mr. Tarjani's application in accordance with the authority stipulated in the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 21 of 2020 concerning the Handling and Settlement of Land Cases. Mediation is a process of resolving disputes between two or more parties through negotiation or consensus outside the court with the assistance of a neutral party who does not have the authority to decide. The neutral party is called a mediator whose task is only to provide procedural and substantial assistance. Mediation in relation to the settlement of defense disputes is a case resolution process facilitated by the Agrarian and Spatial Planning/National Land Agency and is carried out to obtain a solution or

agreement between the disputing parties.¹¹

The requirements that must be met by the applicant in order for mediation to be carried out include:¹²

1. Letter of request for mediation
2. Applicant's identity
3. There is a legal relationship or emotional relationship between the applicant and the land and supported by legal data.
4. Agreement of the parties (applicant and respondent) without any coercion

Initially, the complainant reported the complained party to the Kelurahan office regarding the problem of partially overlapping land, then the Kelurahan proposed that it be reported to the Agrarian and Spatial Planning/National Land Agency of Tegal City. The Agrarian and Spatial Planning/National Land Agency of Tegal City received the complaint. The Agrarian and Spatial Planning/National Land Agency of Tegal City made the first summons to both parties, but the complained party did not come so the complainant wanted to resolve it through the courts (litigation). The Agrarian and Spatial Planning/National Land Agency of Tegal City made the second summons to the parties and both parties came to the Agrarian and Spatial Planning/National Land Agency of Tegal City so that the Agrarian and Spatial Planning/National Land Agency of Tegal City offered to carry out mediation (non-litigation) without having to go through the court process (litigation). Agrarian and Spatial Planning/National Land Agency of Tegal City conducted a third summons to the parties to continue the mediation led by the mediator so that an

¹¹ Antari, P. E. D., Negara, I. P. W. Y., Suteja, I. A. D. A. P., & Salvia, M. P. Mekanisme Penyelesaian Sengketa Sertifikat Hak Atas Tanah Ganda oleh Kantor ATR/BPN Kabupaten Manggarai Barat. *Journal of Law, Society, and Islamic Civilization (JoLSIC)*, Vol. 11, No. 1 (2023): 13–24. Retrieved from <https://jurnal.uns.ac.id/JoLSIC/article/view/66947>

¹² Antari, P. E. D., Negara, I. P. W. Y., Suteja, I. A. D. A. P., & Salvia, M. P. Mekanisme Penyelesaian Sengketa Sertifikat Hak Atas Tanah Ganda oleh Kantor ATR/BPN Kabupaten Manggarai Barat. *Journal of Law, Society, and Islamic Civilization (JoLSIC)*, Vol. 11, No. 1 (2023): 13–24. Retrieved from <https://jurnal.uns.ac.id/JoLSIC/article/view/66947>

agreement was reached, namely the payment of a 25 m² plot of land for Rp. 45,000,000.

In the mediation, each party, namely Mr. Tarjani and Mr. Mohamad, acknowledged ownership of 25 m² of land.² which is now being built as a kitchen by Brother Tarjani and an agreement was reached that Brother Mohamad would pay for 25 m² of land.² at a price of Rp. 45,000,000 (forty five million rupiah) to Mr. Tarjani. After the mediation was successful and reached a mutual agreement, a mediation report was made by the mediator. A mediation agreement is an agreement reached by the parties with the assistance of a mediator. The mediation report is a statement of peace that is agreed to and signed by both parties.

Mediation will have permanent and binding legal force after the agreement is stated in the form of a peace deed. Regarding the binding force of a peace agreement, it is generally regulated in Article 1858 of the Civil Code which states that between the parties concerned, a peace has the same force as a judge's decision at the final level.

A peace agreement that has been agreed upon by the disputing parties through a mediation process, then the final result of the peace agreement agreement along with the minutes of the mediation process guided by the mediator is stated in written form. Upon agreement of the parties and the mediator, the results of the agreement are made in the form of an authentic deed through a notary. As an authentic deed, the peace agreement agreement which is the result of the mediation is made again in a certain form as a notarial deed as what happened in the mediation process in written form (minutes and the results of the agreement that has been reached), meaning everything that is explained or told (in this case in written form as a result of mediation between the parties assisted by the mediator) by the party who deliberately came to the notary.

The authentic deed made meets the requirements that the deed is made by a notary based on statements from the parties who deliberately come to the notary (in this case the disputing parties and the mediator) and contains a story (in the form of minutes of the series of mediation processes until the agreement of the parties). The arrival of the disputing parties and their mediator deliberately faces the notary as a public official to make an authentic deed of the series of mediation processes and the results show that the deed made will later be classified into *narrative act*. In the deed, the parties

involved in a dispute have agreed to resolve the dispute outside the court and have succeeded in reaching a certain agreement through mediation, then they come to a notary to make a peace agreement which is stated in the form of an authentic deed.

Based on the physical data available at the Agrarian and Spatial Planning/National Land Agency of Tegal City, the land owned by Mr. Mohamad is included in Mr. Tarjani's Certificate with an area of 25 m². Based on this, the Agrarian and Spatial Planning/National Land Agency of Tegal City has revised the Land Ownership Certificate Number 4820/Kraton in the name of Tarjani which was originally 131 m² to 106 m². Administratively at the Agrarian and Spatial Planning/National Land Agency of Tegal City, land and buildings with Certificate of Ownership Number 4820/Kraton and Certificate of Ownership Number 269/Kraton have been corrected so that there is no overlap.

IV. Conclusion

Based on the research results and discussion, 2 (two) conclusions were found in this scientific research work, namely:

- 1) Factors that can cause the emergence of dual land title certificates include several technical errors, due to overlapping in the issuance of land title certificates, and influenced by internal and external factors. The existence of dual land title certificates creates legal uncertainty in terms of land registration. Land title certificates should be strong proof of land ownership.
- 2) Settlement of ownership disputes over double-certified land in Tegal City by the Agrarian and Spatial Planning/National Land Agency of Tegal City through mediation. In the mediation, each party acknowledged ownership of 25 m² of land and an agreement was reached that Mr. Mohamad would pay for the 25 m² of land at a price of Rp45,000,000 (forty-five million rupiah) to Mr. Tarjani. The Agrarian and Spatial Planning/National Land Agency of Tegal City has revised the Land Ownership Certificate Number 4820/Kraton and Land

Ownership Certificate Number 269/Kraton so that there is no overlap. The issuance of the revised land title certificate is a form of state legal protection for land title certificate owners.

Based on the conclusions above, the suggestions that can be considered are:

- 1) Some efforts that can be made by the community and related agencies to reduce the factors that cause double certificates, namely conducting careful verification and validation of land data, using a safe and transparent land registration digitalization system, providing education to the community about the importance of checking the legality before purchasing land, and using the services of a notary or Land Deed Making Officer to ensure the validity of documents and the legality of transactions.
- 2) Agrarian and Spatial Planning/National Land Agency of Tegal City to be more careful in making land certificates so as not to cause losses to the community after the issuance of land certificates due to similarities in ownership of the land.

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