

LEGAL CERTAINTY OF COMPLETE SYSTEMATIC LAND REGISTRATION IN RESOLVING OVERLAPPING OWNERSHIP RIGHTS DISPUTES

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Abstract. Complete Systematic Land Registration, known as *Pendaftaran Tanah Sistematis Lengkap* (PTSL), constitutes a strategic government policy intended to accelerate the registration of all land parcels and provide legal certainty and protection for land right holders. Nevertheless, its implementation may still give rise to overlapping-certificate disputes when the collection, examination, mapping, and integration of physical and juridical data are not conducted accurately. This study aims to identify the factors causing overlapping certificates in the implementation of PTSL, analyse their juridical implications for the evidentiary strength of land certificates, and formulate a dispute-resolution mechanism capable of achieving substantive legal certainty in land administration. This study employs normative legal research using statutory, conceptual, and case approaches and adopts a descriptive-analytical design. Secondary data consisting of primary, secondary, and tertiary legal materials were collected through library research. Limited observations and interviews conducted at the Bandung Land Office were used as supporting data to contextualise the implementation of legal norms in practice. The data were analysed through qualitative juridical analysis using grammatical, systematic, and teleological interpretation. The findings demonstrate that overlapping certificates in PTSL are caused by inaccurate physical data, inadequate examination of the history of rights acquisition, incomplete integration of older certificates into the cadastral mapping system, ineffective application of the *contradictio delimitatio* principle, limited effectiveness of public data announcements, and weak administrative coordination and quality control. A land certificate constitutes strong but not absolute evidence and may be annulled when its issuance is proven to contain an administrative or juridical defect. In principle, the certificate issued earlier has a stronger evidentiary position, provided that it was lawfully issued, remains valid, refers to the same physical object, and was acquired in good faith. Overlapping-certificate disputes should be resolved progressively through verification of physical and juridical data, field re-surveying, cadastral overlay mapping, mediation, administrative correction or annulment, and proceedings before the District Court or State Administrative Court according to the legal character of the dispute. Strengthening data validation, integrating historical land records, and implementing quality control at every stage of PTSL are essential prerequisites for achieving substantive legal certainty in land administration.

Keywords: legal certainty; Complete Systematic Land Registration; overlapping certificates; land ownership rights; land disputes.

I. INTRODUCTION

Land occupies an important position in the lives of Indonesian people because it not only possesses economic value but also encompasses social, political, cultural, and legal dimensions. Its significance is constitutionally grounded in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which stipulates that the land, waters, and natural resources contained therein shall be controlled by the state and utilised for the greatest prosperity of the people. This constitutional provision was subsequently implemented through Law Number 5 of 1960 concerning the Basic Agrarian Principles, commonly referred to as the Basic Agrarian Law or *Undang-Undang Pokok Agraria* (UUPA), which serves as the principal foundation for the establishment and implementation of Indonesia's national land law system.

One of the principal instruments for achieving an orderly land law system is land registration, as mandated by Article 19

of the UUPA. Land registration is necessary to provide certainty regarding the holder of the right, the object of the right, the type of right, the area, location, boundaries, and legal status of a parcel of land. This mandate is further regulated under Government Regulation Number 24 of 1997 concerning Land Registration, as amended by Government Regulation Number 18 of 2021. Under this system, a certificate constitutes written evidence of a land right and serves as strong evidence insofar as the physical and juridical data contained therein correspond to the data recorded in the survey document and land book. Therefore, the evidentiary strength of a land certificate depends substantially on the accuracy, reliability, and consistency of the data used throughout the process of its issuance.

To accelerate the registration of all parcels of land throughout Indonesia, the government introduced the Complete Systematic Land Registration programme, known as *Pendaftaran Tanah Sistematis Lengkap* (PTSL). The

programme is specifically regulated under Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration, which remains legally effective. PTSL is conducted simultaneously for all land registration objects located within a village, urban village, or another equivalent administrative area. This programme holds strategic importance because it is intended to expand the coverage of registered land parcels, improve the administration of land affairs, and provide legal certainty and protection for members of the community.

PTSL should not merely be understood as a programme for distributing land certificates, but rather as a comprehensive series of land registration activities encompassing planning, location designation, the establishment of adjudication committees, public dissemination, the collection of physical and juridical data, data examination, public announcement, determination of rights, registration of rights, and certificate issuance. Accordingly, the success of PTSL should not be measured solely by the number of certificates issued, but also by the accuracy of the underlying data and the ability of the resulting land registration products to prevent disputes. The Land Office plays a particularly important role at every stage of PTSL because it is responsible for ensuring that surveying, mapping, verification of the legal basis of rights, and certificate issuance are conducted in accordance with applicable legal procedures (Ardani, 2019).

Nevertheless, an excessive orientation towards accelerated implementation and quantitative targets may create legal and administrative problems when it is not accompanied by careful validation of physical and juridical data. Mujiburohman (2018) identified several potential problems in the implementation of PTSL, including limited human resources, inadequate facilities and infrastructure, deficiencies in the announcement of physical and juridical data, and the ineffective application of the *contradictio delimitatio* principle. This principle requires that the boundaries of a land parcel be determined on the basis of an agreement between the landowner and the owners of adjoining parcels. Failure to observe this principle may result in discrepancies between the boundaries measured by land officers, the boundaries indicated by the applicant, and the boundaries factually acknowledged by neighbouring landowners.

One of the most serious legal consequences arising from inaccuracies in the registration process is the issuance of two or more certificates referring to the same parcel of land, either entirely or partially. Overlapping land certificates may arise from incomplete cadastral maps, inconsistencies between physical and juridical data, surveying errors, poorly managed land administration at the village or urban-village level, unclear boundary markers, and the failure to integrate previously registered parcels into the official cadastral map. The study conducted by Parsaulian and Sudjito (2019) demonstrated that overlapping certificates are closely related to non-compliance with applicable procedures, the absence of complete cadastral maps, and applicants' insufficient understanding of land parcel boundaries.

The problem becomes increasingly complex when historical land records that remain in analogue form must be integrated into an electronic land information system. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2023 provides a legal basis for the use of information technology in land registration, data maintenance, the recording of data changes, and the conversion of land documents into electronic form. Although digitalisation may improve administrative efficiency and security, converting paper-based documents into electronic records does not automatically correct inaccurate source data. When unverified analogue data are digitised or plotted into an electronic system, errors relating to the location, area, boundaries, and legal relationships associated with a parcel of land may also be transferred into the new system. Therefore, digital transformation must be preceded by the improvement and validation of land data quality (Mujiburohman, 2021).

The issuance of mutually overlapping certificates raises significant questions concerning legal certainty and the evidentiary strength of each certificate. Indonesia's land registration system is generally characterised as a negative publication system containing positive elements. Under this system, the state does not provide an absolute guarantee that all information contained in a land certificate is immune from legal challenge. Although a certificate constitutes strong evidence, another party may still submit an objection or initiate legal proceedings when that party can demonstrate a stronger legal entitlement to the land. This situation indicates that legal certainty in land registration is not determined solely by the existence of a certificate, but also by the validity of the procedures and data underlying its issuance (Apriani & Bur, 2020).

Overlapping certificates also create problems concerning legal protection for right holders who acquired land and certificates in good faith. A certificate holder may face limitations in possessing, using, transferring, or encumbering the land as security because the same object is claimed by another party. Such disputes may subsequently lead to applications for administrative blocking, the recording of a *status quo*, the annulment of land administration decisions, civil claims concerning ownership, or proceedings before the State Administrative Court. Consequently, overlapping land disputes do not merely affect the validity of land documents, but also interfere with the fulfilment of civil rights and the legal security experienced by members of the community.

Community participation in determining boundaries, examining the history of land possession, reviewing publicly announced data, and submitting objections constitutes another essential element in preventing overlapping certificates. Inadequate community involvement may prevent land registration data from undergoing open social verification before a certificate is issued. Tustasari and Musataklima (2024) demonstrated that insufficient community engagement in land registration is related to legal culture and may influence the effectiveness of programme implementation. Therefore, legal certainty through PTSL must be established through a combination of administrative accuracy, adequate data

infrastructure, compliance with legal procedures, and active public participation.

Previous studies have examined land registration and PTSL from various perspectives. Mujiburohman (2018) discussed the potential problems associated with PTSL in general, particularly those relating to regulation, human resources, the announcement of data, and the application of the *contradictio delimitatio* principle. Ardani (2019) focused on the position and role of the Land Office throughout the various stages of PTSL implementation. Parsaulian and Sudjito (2019) analysed the causes of and strategies for resolving overlapping certificates in Banjarbaru City, but did not specifically situate the problem within the context of accelerated PTSL implementation. Apriani and Bur (2020), meanwhile, examined legal certainty and legal protection within Indonesia's land registration publication system, whereas Mujiburohman (2021) investigated the transformation of land certificates from paper-based documents into electronic records.

Unlike those previous studies, the present research places overlapping ownership rights disputes at the intersection of four interconnected issues: the acceleration of PTSL implementation, the validity of physical and juridical data, the integration of analogue land records into electronic systems, and the effectiveness of dispute-resolution mechanisms. This research does not examine the causes of overlapping certificates or the evidentiary strength of certificates in isolation. Instead, it constructs an analytical relationship between defects arising during the adjudication process, the legal status of conflicting certificates, and the forms of legal protection available to legitimate right holders.

The novelty of this research lies in its formulation of a legal certainty model for PTSL that encompasses preventive and corrective dimensions. The preventive dimension involves strengthening the application of the *contradictio delimitatio* principle, conducting cross-validation of physical and juridical data, mapping older certificates, involving adjoining landowners, and cleansing and integrating analogue data before certificates are issued. The corrective dimension involves improving land mediation mechanisms, implementing administrative corrections, annulling legally defective certificates, and determining the appropriate jurisdiction for dispute resolution through either the general courts or the State Administrative Court. Through this construction, the research seeks to assess whether PTSL has generated substantive legal certainty or has merely produced administrative certainty in the form of land title documents.

Based on the foregoing background, this research addresses three interconnected legal issues. The first issue concerns the juridical, administrative, technical, and sociological factors that contribute to overlapping ownership certificates in the implementation of Complete Systematic Land Registration. The second issue concerns the legal implications of mutually overlapping certificates for the status and evidentiary strength of PTSL certificates under the Basic Agrarian Law, Government Regulation Number 24 of 1997 as amended by Government Regulation Number 18 of 2021, and the relevant implementing regulations. The third issue concerns the appropriate construction for resolving overlapping ownership

rights disputes through administrative, non-litigation, and litigation mechanisms in order to provide legal certainty and protection for legitimate right holders.

The conceptual framework of this research is based on the understanding that a land certificate can provide legal certainty only when its issuance is founded upon accurate physical and juridical data. When surveying, boundary determination, examination of the legal basis of rights, public announcement of data, and cadastral mapping are not carried out accurately, the resulting certificate may contain administrative defects and conflict with the rights of other parties. Therefore, this research analyses the relationship between PTSL implementation, the validity of land data, the evidentiary strength of certificates, the protection of right holders, and the resolution of land disputes.

Gustav Radbruch's theory of legal certainty is employed as one of the principal theoretical foundations of this research. Radbruch places legal certainty alongside justice and utility as fundamental values that must be realised by law. Legal certainty requires rules that are clear, enforceable, consistent, and capable of providing predictability regarding a person's legal position. In this research, the theory of legal certainty is used to assess whether certificates issued through PTSL are capable of providing clarity concerning the holder of the right, the object, boundaries, and legal status of the land when another certificate referring to the same object is discovered.

Radbruch's theory is also used to examine the balance between administrative certainty and substantive justice. The issuance of a certificate may create administrative certainty, but such certainty cannot be maintained when the certificate is based on inaccurate data or has been issued in violation of another party's rights. Accordingly, legal certainty in PTSL must be understood as certainty arising from lawful procedures, valid data, and fair dispute resolution, rather than merely from the physical existence of a certificate document (Radbruch, 2006).

Satjipto Rahardjo's theory of legal protection is employed to analyse the measures taken by the state to protect the interests and civil rights of land right holders. In this research, legal protection encompasses both preventive and repressive protection. Preventive legal protection is realised through the examination of the legal basis of rights, accurate surveying, boundary agreements, the public announcement of physical and juridical data, and the provision of opportunities for members of the public to submit objections before a certificate is issued.

Repressive legal protection is provided after a dispute has arisen through mechanisms such as complaints, mediation, administrative blocking, data correction, the annulment of legally defective administrative products, and dispute resolution before judicial institutions. Rahardjo's theory is used to assess the extent to which the state provides effective mechanisms for certificate holders who suffer losses as a result of overlapping certificates and whether those mechanisms are capable of restoring the rights of parties proven to possess a legitimate legal basis for the possession or ownership of the disputed land (Rahardjo, 2000).

Soerjono Soekanto's theory of legal effectiveness is used to analyse how PTSL regulations operate in practice. According to this theory, the effectiveness of law is influenced by the legal

rules themselves, law enforcement officials or legal implementers, facilities and infrastructure, society, and legal culture. In the context of PTSL, the legal factor concerns the clarity and harmonisation of regulations; the institutional factor concerns the competence and accuracy of adjudication committees and survey officers; and the facilities factor concerns base maps, surveying technologies, information systems, archival records, and the availability of land data.

The societal factor concerns the honesty of applicants, the attendance and involvement of adjoining landowners, the maintenance of boundary markers, and participation during the period in which physical and juridical data are publicly announced. The legal culture factor relates to the awareness of both the public and government officials regarding the obligation to comply with procedures, refrain from submitting unilateral claims, and resolve disputes through lawful mechanisms. Soekanto's theory is therefore used to explain why PTSL regulations, despite normatively providing detailed stages of land registration, have not always been effective in preventing the issuance of mutually overlapping certificates (Soekanto, 2019).

On the basis of these three theories, the analytical process begins by examining the collection and validation of physical and juridical data within the PTSL programme. The results of this examination are subsequently connected to the legal status of certificates as strong evidence and to the forms of legal protection available to land right holders. Where an overlap is identified, the research analyses the factors contributing to the ineffective implementation of the law and determines the dispute-resolution mechanisms capable of restoring legal certainty, justice, and utility. Accordingly, legal certainty in land affairs is understood as the result of an integrated relationship between clear regulations, accurate administration, professional officials, meaningful public participation, and effective dispute-resolution mechanisms.

II. RESEARCH METHODS

Research Type, Typology, Approach, and Nature

This study constitutes normative legal research, which positions law as a system of norms encompassing legal principles, statutory provisions, judicial decisions, legal doctrines, and legal theories. Normative legal research is employed to identify, interpret, and analyse legal norms relating to legal certainty in the implementation of Complete Systematic Land Registration, known as *Pendaftaran Tanah Sistematis Lengkap* (PTSL), particularly in cases involving overlapping ownership certificates over the same parcel of land in Bandung. The principal characteristic of normative legal research is its reliance on legal materials as the primary basis for answering the legal issues examined in the study (Sonata, 2015; Benuf & Azhar, 2020).

The study applies a normative juridical approach, which is operationalised through a statutory approach, a conceptual approach, and a case approach. The statutory approach is used to examine the consistency, hierarchy, and interrelationship of regulations governing land registration, PTSL implementation,

certificate issuance, and the resolution of land disputes. The conceptual approach is employed to analyse the concepts of legal certainty, legal protection, legal effectiveness, the publication system of land registration, and the *contradictio delimitatio* principle. The case approach is undertaken by examining relevant overlapping-certificate cases and judicial decisions in order to determine how legal norms have been applied in resolving land disputes, including those occurring in Bandung. The use of multiple legal approaches enables a more comprehensive analysis of both the normative structure and the practical application of the law (Efendi & Rijadi, 2022).

In terms of its nature, this study is descriptive and analytical. The descriptive dimension is intended to provide a systematic account of PTSL implementation in Bandung, the factors contributing to overlapping certificates, the legal status of the respective certificates, and the mechanisms used to resolve land disputes. The analytical dimension is applied to evaluate and formulate legal arguments regarding the conformity of certificate issuance practices under PTSL with statutory provisions, legal principles, legal theories, and relevant doctrines. A descriptive-analytical design is appropriate for normative legal research because it does not merely describe legal provisions but also assesses their consistency, implementation, and legal consequences (Benuf & Azhar, 2020).

Research Materials

The research materials encompass legal norms, principles, concepts, and practices relating to land registration and the resolution of overlapping ownership rights disputes, particularly within the context of Bandung. The principal matters examined include the implementation of physical and juridical data collection within PTSL, the application of the *contradictio delimitatio* principle, the validation and mapping of land parcels, the legal status of certificates as strong evidence, the legal consequences of mutually overlapping certificates, legal protection for legitimate right holders, and dispute-resolution mechanisms through administrative, non-litigation, and litigation procedures.

The research also examines the relationship between older land certificates in Bandung that have not been fully integrated into the cadastral mapping system and newer certificates issued through the PTSL programme. This examination is necessary to determine whether the processes of adjudication, surveying, mapping, public announcement of data, and certificate issuance have been capable of producing substantive legal certainty. The scope of these materials corresponds to the objectives of land registration under Article 19 of Law Number 5 of 1960 and Government Regulation Number 24 of 1997, as amended by Government Regulation Number 18 of 2021, namely to provide legal certainty and legal protection for land right holders.

The determination of research materials in normative legal studies must be directly connected to the legal issues formulated in the research questions. Accordingly, the materials selected in this study are limited to those that can explain the causes, legal implications, and resolution of overlapping land ownership certificates within the implementation of PTSL in Bandung (Sonata, 2015; Efendi & Rijadi, 2022).

Research Location

Library research is conducted through the examination of legal materials available in libraries, statutory databases, judicial decision directories, and scientific journal databases. These sources are selected because normative legal research primarily relies on authoritative legal documents and scholarly publications that can be systematically identified, classified, and analysed (Benuf & Azhar, 2020).

Field research, as a supporting activity, is conducted at the Land Office of Bandung City (*Kantor Pertanahan Kota Bandung*), whose administrative jurisdiction includes the location of the overlapping-certificate disputes examined in this study. The Land Office is selected because it possesses the authority to implement PTSL, conduct land surveying and mapping, maintain land registration data, and handle complaints and land disputes within its jurisdiction.

The supporting field research is carried out from January to June 2026. Although field data are collected, the research remains classified as normative legal research because the field findings are used only to contextualise and confirm the implementation of legal norms rather than to serve as the primary basis of the legal analysis. The use of limited field research to support normative legal analysis is recognised as an appropriate method when factual clarification is required to assess the application of written law (Efendi & Rijadi, 2022).

Types and Sources of Data

This study uses secondary data as the principal source of data and primary data as supporting information. Secondary data are obtained from primary, secondary, and tertiary legal materials. The use of secondary data as the principal source is consistent with the characteristics of normative legal research, which focuses on written legal norms, legal principles, doctrines, and judicial decisions (Sonata, 2015; Benuf & Azhar, 2020).

Primary data are obtained on a limited basis through observation and interviews with parties who possess knowledge, experience, and authority concerning PTSL implementation and the handling of land disputes in Bandung. The primary data are not used to test statistical hypotheses and do not alter the typology of the study into empirical legal research. Instead, such data are used to provide factual context, confirm the stages of PTSL implementation, and strengthen the analysis of how legal norms are implemented in practice.

Research informants are selected purposively on the basis of their authority, experience, and involvement in PTSL implementation or land dispute resolution. The informants include members of the PTSL Adjudication Committee, surveying or mapping officers, and officials or staff members of the division responsible for controlling and resolving land disputes at the Bandung Land Office. Purposive selection is appropriate because the information required can only be obtained from individuals with direct knowledge of and involvement in the legal and administrative processes being examined (Efendi & Rijadi, 2022).

Legal Materials

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. This classification is commonly used in normative legal research to distinguish

legally binding sources from explanatory and supporting sources (Sonata, 2015; Benuf & Azhar, 2020).

Primary legal materials are legally binding sources. They include the 1945 Constitution of the Republic of Indonesia; Law Number 5 of 1960 concerning the Basic Agrarian Principles; Government Regulation Number 24 of 1997 concerning Land Registration, as amended by Government Regulation Number 18 of 2021; Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration; Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning the Handling and Resolution of Land Cases; and other regulations concerning surveying, mapping, certificate issuance, data maintenance, and the annulment of land rights.

Primary legal materials also include decisions of District Courts, State Administrative Courts, and the Supreme Court concerning double certificates or overlapping land rights, including cases relevant to Bandung. Judicial decisions are examined to identify the legal considerations employed by judges in determining the validity of certificates, the strength of ownership claims, administrative defects, and the appropriate jurisdiction for resolving land disputes.

Secondary legal materials are sources that provide explanations, interpretations, and analyses of primary legal materials. They include books on agrarian law, books on legal research methodology, scientific journal articles, research reports, dissertations, theses, legal doctrines, and expert opinions relating to land registration, PTSL, legal certainty, legal protection, legal effectiveness, and land dispute resolution.

Tertiary legal materials provide guidance or clarification concerning primary and secondary legal materials. These materials include legal dictionaries, the *Kamus Besar Bahasa Indonesia*, legal encyclopaedias, statutory indexes, and catalogues or directories of legal materials. The use of these three categories enables the researcher to interpret binding legal norms with the assistance of scholarly analysis and terminological guidance (Efendi & Rijadi, 2022).

Data Collection Techniques

Data are collected through library research and field research. Library research is conducted by tracing, inventorying, selecting, and examining statutory regulations, judicial decisions, books, scientific journal articles, research findings, and land-related documents relevant to the research problems. Each legal material is selected on the basis of its relevance, authority, currency, and relationship to the research questions. Systematic library research is essential in normative legal studies because the validity of the analysis depends on the authority and relevance of the legal sources examined (Sonata, 2015; Benuf & Azhar, 2020).

Statutory regulations are traced through official sources, particularly the Legal Documentation and Information Network, the statutory database of the Audit Board of the Republic of Indonesia, and the official website of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency. Judicial decisions are obtained through the Supreme Court Decision Directory and other official judicial sources.

Scientific articles are selected by prioritising peer-reviewed journals with identifiable publishers and verifiable Digital Object Identifiers.

Field research is conducted through non-participant observation and semi-structured interviews at the Bandung Land Office. Observation is directed towards administrative procedures, available documents, land parcel maps, and accessible dispute-resolution mechanisms in accordance with applicable rules. Semi-structured interviews are conducted using an interview guide prepared on the basis of the research questions while allowing informants to provide more detailed explanations of relevant facts and legal practices.

The interviews are intended to obtain information regarding the collection of physical and juridical data, boundary determination, the use of cadastral maps, the integration of older certificates into the land administration system in Bandung, the causes of overlapping certificates, and the procedures for handling and resolving land disputes. Information obtained from interviews is used as supporting data and is subsequently cross-checked against statutory provisions, legal materials, and available documents. Combining documentary research with limited field confirmation can strengthen normative analysis by revealing the relationship between legal standards and their practical implementation (Efendi & Rijadi, 2022).

Data Collection Instruments

The data collection instrument used in library research is a legal-material inventory and classification sheet. This instrument is used to record the identity of each source, the substance of the relevant legal norm, the relationship between legal provisions, the relevance of the source to the research questions, and the preliminary interpretation of the legal material.

In the supporting field research, the data collection instruments consist of an observation guide and a semi-structured interview guide. The observation guide is used to record conditions and processes relating to PTSL implementation and land dispute resolution in Bandung. The interview guide is used to ensure that the questions addressed to informants remain focused on the research problems while still providing sufficient flexibility for the exploration of factual and legal information.

Field notes and recording devices may be used after obtaining the informants' consent and provided that their use does not violate confidentiality requirements concerning land documents. The use of structured research instruments is important for maintaining the consistency, traceability, and accountability of the data collection process (Efendi & Rijadi, 2022).

Data Processing Techniques

The collected data and legal materials are processed through the stages of examination, selection, classification, verification, and systematisation. Examination is conducted to ensure that the data are complete and relevant to the research objectives. Selection is undertaken to distinguish materials that are directly related to the research questions from materials that do not provide substantial support for the analysis.

The legal materials are subsequently classified according to the hierarchy of regulations, type of source, and principal legal issue. The principal classifications include the causes of overlapping certificates in Bandung, the evidentiary strength of certificates, legal protection for right holders, and dispute-resolution mechanisms. Classification allows the researcher to identify relationships, inconsistencies, and possible conflicts between the applicable legal provisions (Benuf & Azhar, 2020).

Verification is conducted by comparing legal materials with their official sources and examining the consistency of information obtained through field research. All data are then systematised so that the relationship between legal norms, theories, judicial decisions, and supporting facts can be analysed in a coherent and structured manner.

Interview findings are recorded in field notes or transcripts and subsequently grouped according to the relevant research themes. Where information provided by one informant differs from that provided by another, the information is cross-checked against documents, regulations, or other authoritative sources. This procedure is intended to prevent the analysis from relying exclusively on individual opinions and to improve the reliability of the supporting information (Efendi & Rijadi, 2022).

Data Analysis Techniques

The data are analysed using qualitative juridical analysis. The analysis is conducted by interpreting legal materials, connecting one legal provision with another, and assessing their conformity with relevant legal principles, doctrines, theories, and judicial decisions. Statistical calculations are not employed because the purpose of the study is to develop legal arguments, evaluations, and prescriptions concerning overlapping certificates in the implementation of PTSL in Bandung. Qualitative juridical analysis is particularly appropriate for studies seeking to determine the meaning, coherence, and legal consequences of statutory provisions (Sonata, 2015; Benuf & Azhar, 2020).

The statutory provisions are interpreted through grammatical, systematic, and teleological interpretation. Grammatical interpretation is used to understand the meaning of terms and legal formulations according to the language employed in the relevant regulations. Systematic interpretation is conducted by connecting the provisions governing PTSL with the broader system of land registration and land dispute resolution. Teleological interpretation is used to assess the application of legal norms in light of the objectives of land registration, namely providing legal certainty and legal protection for right holders.

The normative analysis is subsequently strengthened by information obtained through observations and interviews conducted in Bandung. Field data are compared with normative legal standards to identify conformity, non-conformity, regulatory gaps, administrative weaknesses, or deficiencies in legal implementation. The analysis is conducted using Gustav Radbruch's Theory of Legal Certainty, Satjipto Rahardjo's Theory of Legal Protection, and Soerjono Soekanto's Theory of Legal Effectiveness.

Conclusions are drawn deductively by moving from general legal norms, principles, and theories to specific answers

concerning the causes, legal implications, and mechanisms for resolving overlapping ownership certificates in the implementation of PTSL in Bandung. Deductive reasoning enables the researcher to formulate legal prescriptions based on the relationship between the applicable legal framework and the specific legal problems identified in the study (Efendi & Rijadi, 2022).

III. RESULTS AND DISCUSSION

Based on the inventory, interpretation, and systematic analysis of statutory regulations, judicial decisions, and previous studies, supported by limited observation and interviews conducted at the Bandung Land Office from January to June 2026, this research finds that disputes involving overlapping land certificates in the implementation of Complete Systematic Land Registration, known as *Pendaftaran Tanah Sistematis Lengkap* (PTSL), are not caused solely by technical surveying errors. Rather, such disputes arise from the cumulative effects of inaccurate physical data, incomplete examination of juridical data, weak integration of historical land records, ineffective application of the *contradictio delimitatio* principle, inadequate public participation, and insufficient administrative quality control before certificates are issued.

In accordance with the normative legal method adopted in this study, statutory regulations and judicial decisions constitute the principal basis of analysis. The supporting field research conducted at the Bandung Land Office is used to contextualise the implementation of PTSL, the management of cadastral data, and the administrative handling of overlapping-certificate disputes in Bandung. Accordingly, the field information does not independently determine the legal conclusions but assists in evaluating the correspondence between the applicable legal norms and their implementation in practice.

The findings are illustrated by Supreme Court Decision Number 316 K/TUN/2021, which concerned the issuance of a land right through PTSL over an object that had previously been subject to an existing right. In that case, the Land Office was unable to produce a valid decision granting the new land right and failed to prove that the previous right holder had lawfully relinquished the right. The judicial panel subsequently annulled the disputed administrative decision because its issuance was not supported by a lawful transfer or relinquishment of rights and did not comply with the principle of administrative prudence. Maharani and Wahyuningsih (2025) conclude that the issuance of the new right violated the *nemo plus iuris* principle, according to which a person cannot transfer or acquire a right greater than that legally possessed by the person from whom the right originates.

As a comparative case, Supreme Court Decision Number 976 K/Pdt/2015 involved a dispute between Certificate of Building Use Right Number 46/Babakan Ciamis Urban Village, issued in 1993, and Certificate of Right of Use Number 18, issued in 1998. The Supreme Court held that the Land Office, as the institution responsible for maintaining juridical and administrative land records, should have conducted a careful

examination to ensure that the land subject to the application was not already encumbered by another party's right. In its judgment, the Supreme Court recognised the holder of the earlier Certificate of Building Use Right as the lawful right holder and declared that the opposing party had committed an unlawful act.

Although the two decisions did not exclusively concern PTSL implementation in Bandung, they constitute relevant primary legal materials under the case approach employed in this research. The legal principles developed in those decisions are applicable to the analysis of overlapping certificates in Bandung because they address the duties of the Land Office, the evidentiary status of certificates, the principle of administrative prudence, the legal history of rights, and the consequences of issuing a new certificate over land that remains subject to an existing right.

Factors Causing Overlapping Certificates in the Implementation of PTSL

a. Inaccuracy and Lack of Integration of Physical Land Data

The first finding indicates that overlapping certificates commonly originate from inconsistencies between the actual condition of a land parcel and the data recorded in cadastral maps, survey documents, land books, and land information systems. Some older certificates are still based on analogue maps, situation drawings, or local coordinate systems that have not been fully integrated into the geospatial land database. When such parcels are not accurately identified during PTSL mapping, land that has already been registered may be mistakenly classified and processed as unregistered land.

This problem is particularly relevant to urban areas such as Bandung, where land parcels are densely situated, land values are relatively high, and changes in possession, subdivision, transfer, and land use may occur intensively. Under these conditions, even a minor discrepancy in coordinates, boundary lines, parcel numbers, or survey documents may result in an overlap with one or more adjoining parcels. Therefore, the accuracy of physical data constitutes a fundamental prerequisite for the production of legally reliable certificates.

Kurnia and Wisnaeni (2025) found that duplicate certificates in PTSL may result from applicants incorrectly indicating the location and boundaries of their land, incomplete cadastral maps, and the suboptimal implementation of registration procedures by land administration officials. Their findings demonstrate that digitalisation and computerised systems do not automatically guarantee data accuracy when the underlying source data have not been properly verified. The principal problem, therefore, does not merely concern the distinction between analogue and electronic certificates but the reliability and quality of the basic data used in surveying, mapping, and certificate issuance.

The limited field research at the Bandung Land Office is positioned to contextualise this issue by examining how historical survey documents, land books, cadastral maps, and electronic data are consulted during PTSL implementation and the handling of overlapping claims. In accordance with the normative character of this study, however, the legal assessment remains based on whether the data-management

process complies with the applicable land registration regulations and the principle of administrative prudence.

It may further be inferred that the risk of error increases during PTSL because the collection and processing of physical and juridical data are conducted simultaneously across a designated administrative area. Although mass land registration improves efficiency and accelerates certificate issuance, the large number of parcels examined may magnify the consequences of inaccurate source data when working maps, land registers, land books, and historical certificate archives have not been cleansed, validated, and reconciled before surveying begins.

An error affecting one parcel may also influence the position of adjoining parcels because land boundaries are spatially interconnected. Accordingly, the prevention of overlapping certificates requires the prior reconciliation of cadastral maps, historical survey documents, physical possession data, and electronic geospatial records. Without such integration, PTSL may accelerate the formal issuance of certificates while simultaneously reproducing or expanding pre-existing inaccuracies within the land administration system (Kurnia & Wisnaeni, 2025).

b. Ineffective Application of the *Contradictio Delimitatio* Principle

The second factor is the ineffective application of the *contradictio delimitatio* principle, under which land boundaries must be determined on the basis of agreement between the applicant or right holder and the owners of adjoining parcels. The presence and participation of adjoining landowners are necessary to ensure that the boundary markers indicated by an applicant do not encroach upon land possessed or owned by another party. When surveying is conducted solely on the basis of a unilateral indication by the applicant, without meaningful confirmation from adjoining landowners, the resulting physical data may not reflect the actual and mutually recognised boundaries of possession.

Mujiburohman (2018) identifies the application of the *contradictio delimitatio* principle as one of the principal challenges in PTSL. Difficulties in securing the attendance of adjoining landowners, unclear or missing boundary markers, inheritance disputes, changes in possession, and limited public understanding of surveying procedures may prevent the principle from being substantively implemented. Citra and Sudirga (2020) similarly demonstrate that the prevention of duplicate certificates requires field verification, mutually agreed boundary determination, and the active involvement of village officials and local communities.

The *contradictio delimitatio* principle should not be reduced to a procedural formality demonstrated merely by signatures on a boundary-marker declaration. Its substantive meaning lies in the existence of genuine, informed, and verifiable agreement regarding the location and line of the boundary. A signature that is obtained without an actual field inspection or without a clear understanding of the boundary cannot adequately guarantee the correctness of the physical data.

Accordingly, when adjoining landowners are absent, cannot be identified, or object to the boundary indicated by the

applicant, the parcel should not immediately proceed to certificate issuance. The relevant disagreement must first be documented, examined, and resolved through clarification, re-measurement, mediation, or another legally appropriate mechanism. Issuing a certificate while a boundary dispute remains unresolved may convert an existing factual disagreement into a more complex legal dispute involving two or more certificates.

In the context of Bandung, the implementation of this principle is particularly important because densely situated parcels may have narrow or physically altered boundaries. Buildings, fences, drainage systems, roads, and other urban infrastructure may obscure the original boundary markers. Therefore, boundary determination should be supported by attendance records, boundary sketches, photographs, coordinate data, field minutes, and statements from adjoining landowners. Such documentation assists in demonstrating that the boundary was determined openly, participatively, and in accordance with the actual physical condition of the land (Mujiburohman, 2018; Citra & Sudirga, 2020).

c. Weaknesses in the Examination of Juridical Data and the History of Rights Acquisition

The third finding concerns inadequate examination of the legal basis of rights, the history of land possession, and the legal relationship between an applicant and the relevant parcel. Supreme Court Decision Number 316 K/TUN/2021 demonstrates that the issuance of a right through PTSL becomes legally defective when the land administration authority cannot prove that the previous right holder lawfully transferred or relinquished the existing right. In the absence of a valid transfer or relinquishment, a new right is granted over land whose previous legal status has not been lawfully terminated.

In the implementation of PTSL, juridical data may be derived from statements of land possession, declarations of physical possession, inheritance documents, privately executed sale and purchase documents, tax records, and statements issued by village or urban-village authorities. These documents cannot automatically be regarded as conclusive evidence. Their consistency must be examined against land books, land registers, registration files or *warkah*, survey documents, records of rights transfers, inheritance histories, tax information, and the actual condition of physical possession.

Statements made by applicants or local administrative officials should not be treated as the sole basis for certificate issuance when there are indications that the parcel has previously been registered, transferred, inherited, encumbered, or possessed by another party. Local administrative statements may assist in explaining factual possession, but they do not replace the obligation of the Land Office to examine official land registration records and the complete legal history of the parcel.

The issuance of a certificate without an adequate examination of the history of rights is inconsistent with the *nemo plus iuris* principle. An applicant who does not possess a lawful right, or who acquires land from a person who is not legally entitled to transfer it, cannot obtain a stronger right merely because a certificate is subsequently issued. A

certificate is intended to record and provide evidence of a legally valid right; it should not be used to create legitimacy for an acquisition that was invalid from the outset.

The correctness of juridical data must therefore be understood as substantive correctness established through the examination of interconnected documents and facts of possession, rather than as formal correctness based solely on the applicant's declarations. In Bandung, this requires the Land Office to reconcile PTSL applications with existing land books, certificates, transfer records, inheritance documents, archived registration files, and other relevant sources before determining that a parcel is eligible for registration.

From the perspective of legal certainty, incomplete examination of juridical data creates uncertainty regarding the identity of the right holder and the legal status of the object. From the perspective of legal protection, it may prejudice an existing right holder who was not aware that a new application had been submitted. From the perspective of legal effectiveness, it demonstrates that compliance with formal procedural stages is insufficient when the substantive accuracy of the underlying rights has not been verified (Maharani & Wahyuningsih, 2025; Julius & Rasji, 2025).

d. Ineffective Public Announcement of Data and Limited Community Participation

The public announcement of physical and juridical data constitutes a mechanism of public verification before a right is registered and a certificate is issued. Through the announcement process, interested parties are provided with an opportunity to submit objections when the applicant's identity, the area, location, boundaries, legal basis, or other information concerning the parcel does not correspond to the actual situation.

This mechanism loses its effectiveness when the announcement is treated merely as an administrative formality, such as displaying a document at an office without ensuring that the information is reasonably accessible to existing right holders, heirs, adjoining landowners, or other interested parties. Formal evidence that an announcement has been displayed does not necessarily demonstrate that the persons most likely to be affected had a meaningful opportunity to become aware of and respond to the proposed registration.

Limited community participation may allow a disputed or inaccurate claim to remain uncorrected throughout the announcement period. In such circumstances, the absence of an objection does not automatically establish the correctness of the announced data. The absence of an objection may instead result from a lack of information, the temporary absence of an interested party, an unresolved inheritance process, or inadequate communication regarding the implementation of PTSL.

The effectiveness of public announcement must therefore be evaluated by the accessibility and reach of the information, rather than solely by formal compliance with an announcement requirement. In Bandung, accessible announcement mechanisms may include coordination with urban-village authorities, neighbourhood administrative units, adjoining landowners, and other relevant community institutions. The use of appropriate electronic information channels may also

complement conventional announcement methods, provided that such channels remain consistent with the applicable legal framework.

Meaningful public participation is part of preventive legal protection because it allows potential errors to be identified before a certificate is issued. It also improves the social legitimacy of land registration data by allowing those with direct knowledge of possession, boundaries, inheritance, and the historical status of the land to provide relevant information (Mujiburohman, 2018; Citra & Sudirga, 2020).

e. Weaknesses in Institutional Coordination and Internal Administrative Control

Overlapping certificates may also indicate weaknesses in coordination among physical-data collection officers, juridical-data collection officers, the PTSL Adjudication Committee, surveying and mapping officials, village or urban-village authorities, and units responsible for maintaining land registration data. Surveying results should not be processed separately from the examination of the legal basis of rights and the identification of previously registered parcels.

When different units rely on different documents or databases without cross-validation, an error arising at one stage may remain undetected until the certificate is issued. For example, a parcel may appear unregistered on a working map but remain recorded in a historical land book or archived survey document. Similarly, juridical data may appear complete in the applicant's file but conflict with an existing record of transfer, inheritance, mortgage, block, or dispute.

Kurnia and Wisnaeni (2025) explain that the National Land Agency's efforts to prevent duplicate certificates include implementing regulations, conducting public outreach, and strengthening cooperation among relevant stakeholders. Nevertheless, suboptimal implementation of the rules and limited public understanding remain contributing factors in the issuance of duplicate certificates. This demonstrates a gap between the formal completeness of legal rules and their practical effectiveness.

Internal control should therefore include layered verification before a certificate is signed. Physical and juridical data should be reconciled with cadastral maps, land books, survey documents, registration files, electronic records, and information regarding pending disputes or administrative blocks. Where inconsistencies are identified, certificate issuance should be suspended until the discrepancy has been clarified and documented.

When analysed through Soerjono Soekanto's Theory of Legal Effectiveness, the causes of overlapping PTSL certificates encompass five interconnected factors. The legal factor concerns the clarity, consistency, and integration of land registration rules. The law-enforcement or implementing-official factor concerns the prudence, competence, and professionalism of adjudication committees, surveying officers, and other land administration officials. The facilities factor concerns the availability and reliability of base maps, archives, surveying equipment, digital systems, and geospatial information.

The societal factor concerns the honesty of applicants, the participation of adjoining landowners, and the willingness of

interested parties to provide accurate information. The legal-culture factor concerns the tendency to regard village statements, tax records, or physical possession as conclusive evidence of ownership without examining the parcel's official registration status. The interaction of these five factors explains why comprehensive regulations may not always prevent overlapping certificates when their implementation is not supported by reliable data, competent officials, adequate facilities, public participation, and an appropriate legal culture (Soekanto, 2019; Kurnia & Wisnaeni, 2025).

Accordingly, the answer to the first research question is that overlapping certificates in the implementation of PTSL in Bandung cannot be attributed to a single error. Such disputes result from a chain of failures involving the integration of historical data, participatory boundary determination, examination of the history of rights, accessible public announcement, institutional coordination, and administrative quality control before certificate issuance.

Juridical Implications for the Evidentiary Strength of Overlapping Certificates

a. A Certificate as Strong but Not Absolute Evidence

Article 32 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration provides that a certificate constitutes strong evidence concerning the physical and juridical data contained therein, insofar as those data correspond to the survey document and land book. The phrase "strong evidence" does not mean absolute or irrebuttable evidence. The data recorded in a certificate must be regarded as correct unless and until they are proven otherwise through an authorised legal mechanism.

Indonesia's land registration publication system is generally characterised as a negative publication system containing positive elements. Its positive elements are reflected in the state's obligation to conduct surveying, examination, recording, registration, and certificate issuance. Its negative character is reflected in the continuing possibility that another party may prove that the data recorded in a certificate do not correspond to the actual legal situation.

Consequently, when two certificates refer to the same physical object, the evidentiary strength of both certificates must be examined. A more recently issued certificate does not automatically become invalid merely because it was issued later. Nevertheless, it cannot receive legal protection solely because it was issued by a competent official. Conversely, an older certificate does not automatically prevail solely because it was issued first.

The examination must include the legality of the underlying right, the history of acquisition, the identity of the physical object, actual possession, the good faith of the parties, and compliance with the procedures governing certificate issuance. The physical and juridical data of each certificate must also be compared with the survey documents, land books, archived files, and actual condition of the land.

Article 32 paragraph (2) of Government Regulation Number 24 of 1997 provides a form of protection after a period of five years. However, this protection applies only where the certificate was lawfully issued, the land was acquired in good faith, the certificate holder has actual possession of the land,

and no written objection or legal action was submitted within the prescribed period. The five-year provision cannot be used to protect a party who acquired the land in bad faith or to validate a certificate issued on the basis of materially inaccurate data or legally defective procedures.

Therefore, the issuance of a certificate through PTSL does not eliminate the possibility of evidentiary challenge. A PTSL certificate possesses the same evidentiary status as a certificate issued through sporadic registration, but its evidentiary strength remains dependent on the legality and accuracy of the data and procedures underlying its issuance (Mubarak, Haerani, & Zain, 2024).

b. The Legal Position of the Earlier-Issued Certificate Rule

Through Jurisprudence Number 5/Yur/Pdt/2018, the Supreme Court formulated the rule that where two authentic certificates exist over the same parcel of land, the stronger evidence of title is generally the certificate issued earlier. This principle was developed from the consistency of several decisions, including Decision Number 976 K/Pdt/2015, Decision Number 290 K/Pdt/2016, Decision Number 143 PK/Pdt/2016, and Decision Number 170 K/Pdt/2017.

The rule must nevertheless be applied cautiously. The date of issuance functions as an indicator of priority, but it is not the sole basis for determining ownership. The statement that both certificates constitute authentic documents presupposes that their authenticity, physical objects, legal bases, and issuance histories have first been examined. An earlier certificate that has been annulled, transferred, relinquished, expired, or obtained through an unlawful act cannot be maintained solely on the basis of chronological priority.

This limitation is reflected in Supreme Court Decision Number 316 K/TUN/2021. The annulment of the PTSL-related administrative decision was not based merely on the fact that the disputed right was issued later. It was principally based on the absence of a valid decision granting the right, the absence of lawful relinquishment by the previous right holder, and the failure to conduct a prudent administrative examination.

The principle of chronological priority therefore operates in conjunction with the *nemo plus iuris* principle, the principle of administrative prudence, the principle of legal certainty, the examination of good faith, and the legal continuity of the underlying right. The earlier certificate creates a rebuttable presumption of priority rather than an automatic and absolute determination of ownership.

In disputes occurring in Bandung, the earlier-issued certificate rule should therefore be used only after confirming that the certificates refer to the same physical parcel and that the earlier certificate remains legally valid. This requires cadastral overlay, examination of survey documents and land books, reconstruction of the history of rights, and verification of whether the earlier right was ever transferred, relinquished, subdivided, consolidated, or annulled (Mubarak et al., 2024).

c. Administrative and Juridical Defects

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning the Handling and Resolution of Land Cases affirms that, in principle, only one certificate may be issued for one parcel of land. Where one or more certificates overlap

entirely or partially, the matter must be handled as a land case. A certificate may subsequently be annulled when an examination establishes that the underlying land administration product contains an administrative or juridical defect.

An overlap of land rights is expressly recognised as one of the grounds that may lead to the annulment of a land administration product. Such a defect may arise from an error in the identity of the right holder, an error concerning the physical object, incorrect surveying or mapping, incomplete legal documents, an absence of authority, procedural violations, an incorrect application of law, or an unlawful transfer or relinquishment of rights.

It would therefore be legally inaccurate to state that a newly issued PTSL certificate is automatically “null and void by operation of law” merely because an overlap has been discovered. A more accurate formulation is that the certificate may be annulled or declared invalid after an administrative examination or judicial decision establishes the defect in its issuance.

Until it is annulled by a competent official or declared invalid through a final and binding court decision, the certificate remains recorded as a land administration product, although its legal status may be disputed, blocked, or subject to case-handling procedures. This distinction is important because an administrative product is generally presumed valid until it is lawfully revoked, annulled, or invalidated by an authorised institution.

The identification of an overlap should therefore be followed by a transparent case-handling process. The certificate holders must be provided with an opportunity to submit documents, explanations, and objections. This process protects the parties from arbitrary annulment and ensures that corrective action is based on a complete examination of both the physical and juridical facts (Azmi & Aminah, 2024; Dewandaru, Hastuti, & Wisnaeni, 2020).

d. Legal Protection for Right Holders

From the perspective of Satjipto Rahardjo's Theory of Legal Protection, protection for land right holders must be provided in both preventive and repressive forms. Preventive legal protection is implemented through the careful examination of physical and juridical data, application of the *contradictio delimitatio* principle, public announcement of data, examination of objections, and validation of parcels that have previously been registered.

Repressive legal protection becomes relevant after a dispute has arisen. It may include the submission of a complaint, recording of the disputed status, administrative blocking, mediation, data correction, administrative annulment, and litigation before the competent court. These mechanisms must provide the parties with an effective opportunity to defend their rights and obtain restoration where an error in land administration has caused harm.

The holder of an earlier certificate who can demonstrate a lawful basis of title, actual possession, and the absence of any lawful transfer or relinquishment should receive protection against the issuance of a subsequent certificate over the same object. At the same time, the holder of a later certificate who

genuinely acquired the land in good faith is also entitled to a fair and transparent examination.

Legal protection should therefore not be determined solely by a party's formal status as a certificate holder. It must be based on a comprehensive examination of the substantive validity of the right, the good faith of the parties, the accuracy of the physical object, the history of acquisition, and compliance with certificate-issuance procedures.

This approach reflects the principle that law must protect legitimate interests without preserving an administrative product that has been proven defective. It also prevents annulment from being conducted without due process, thereby balancing protection for existing right holders with procedural fairness for holders of disputed PTSL certificates (Rahardjo, 2000; Julius & Rasji, 2025).

Accordingly, the answer to the second research question is that the existence of overlapping certificates makes the evidentiary presumption attached to each certificate rebuttable. The certificate issued earlier generally holds a stronger evidentiary position when it was lawfully acquired and remains legally valid. However, the final determination depends on the legality of the underlying right, good faith, actual possession, identity of the physical object, history of acquisition, and compliance with the applicable issuance procedures.

Construction of a Dispute-Resolution Model for Overlapping Ownership Rights

a. Administrative Examination and Reconstruction of Land Data

The resolution of an overlapping-certificate dispute should begin with a comprehensive administrative examination of all documents and the physical condition of the disputed object. The examination should include land books, survey documents, situation drawings, archived registration files, records of transfers, the legal basis of rights, evidence of relinquishment, inheritance documents, PTSL files, and records of administrative blocks or ongoing disputes.

The documentary examination should be followed by field re-surveying and cadastral overlay mapping of all relevant parcels. The purpose of overlay mapping is to determine whether the disputed certificates refer to exactly the same parcel, partially intersecting parcels, or different parcels that only appear similar because of inaccurate mapping or inconsistent administrative descriptions.

The re-survey should be attended, as far as possible, by both certificate holders, adjoining landowners, relevant urban-village officials, and land administration officers. The results should be recorded in official minutes specifying the coordinates, area of intersection, boundary markers, field conditions, and objections raised by each party.

This stage is necessary because a dispute cannot be properly resolved merely by comparing certificate numbers and issuance dates. It must first be established that the certificates actually refer to the same physical object. Without physical-object verification, an administrative or judicial determination may be based on an incorrect assumption regarding the location and extent of the overlap.

The examination should determine whether the dispute originated from a surveying error, mapping error, incorrect

identity of the right holder, incorrect identification of the object, document falsification, absence of lawful relinquishment, unlawful transfer, or procedural defect. Identifying the source of the problem provides the legal basis for selecting the appropriate remedy, including data correction, adjustment of area, parcel subdivision, certificate annulment, compensation, mediation, or judicial proceedings.

In Bandung, such an examination should involve the reconciliation of physical and juridical data maintained by the Bandung Land Office with information obtained from the relevant urban-village authorities and the parties. The supporting field research undertaken in this study is relevant to understanding this administrative process, while the legality of the resulting measures remains assessed on the basis of the applicable statutory framework.

b. Resolution through Land Mediation

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 authorises the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, Regional Offices of the National Land Agency, and Land Offices to facilitate mediation in land cases. Mediation may be initiated by the land administration institution or conducted upon the request and agreement of the parties.

Where an agreement is reached, it should be recorded in a written settlement agreement or deed of settlement. The agreement may be submitted to the District Court in order to obtain a judicial settlement decision, thereby strengthening its enforceability. The administrative consequences of the settlement should subsequently be implemented through the appropriate correction, amendment, transfer, relinquishment, subdivision, or annulment procedures.

The possible outcomes of mediation include confirmation of boundaries, return of the overlapping portion, amendment of the registered area, partial relinquishment of rights, compensation, exchange of land, or agreement to request the annulment of one of the certificates. Mediation is appropriate where the parties remain willing to resolve the dispute through deliberation and the physical and juridical facts can be objectively reconstructed.

However, mediation should not be used to preserve a land administration product that was clearly issued on the basis of falsified documents, fraud, abuse of authority, or another unlawful act. Nor may mediation be used to compel one party to relinquish a right without voluntary consent. The mediator's role is to facilitate a lawful agreement, not to determine ownership or impose a settlement.

Where one party fails to attend after being properly summoned, rejects objective re-surveying, or continues to maintain an absolute ownership claim, the dispute may need to proceed through administrative annulment or judicial resolution. Mediation should therefore be understood as one component of an integrated dispute-resolution process rather than as the only available mechanism (Dewandaru et al., 2020; Azmi & Aminah, 2024).

c. Administrative Annulment by the Land Administration Authority

The annulment of a certificate does not necessarily require the voluntary consent of the certificate holder. Under Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020, a land administration product may be annulled because of an administrative or juridical defect or in order to implement a final and binding court decision.

The authority to annul a land administration product is exercised by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency or the Head of the relevant Regional Office of the National Land Agency, depending on the official or institution that issued the product and the applicable delegation of authority.

Administrative annulment may be used where an examination establishes an error in surveying procedures, an incorrect subject or object of the right, an incorrect application of regulations, invalid issuance documents, an absence of lawful transfer or relinquishment, or an overlap with an existing land right. Nevertheless, annulment must be conducted prudently and transparently.

The holder of the certificate proposed for annulment should be given an opportunity to submit explanations, evidence, and objections. The administrative decision should clearly identify the relevant defect, the legal basis for annulment, and the consequences for the land registration record. This procedure is required to prevent the corrective decision from generating a new administrative dispute.

Where the disputed object has been transferred to a third party who claims to have acted in good faith, and that party was not involved in the previous administrative examination or judicial proceeding, administrative annulment becomes more complex. In such circumstances, judicial proceedings may be necessary to examine civil ownership rights, good faith, the validity of the transfer, and the legal consequences for all affected parties.

Administrative annulment should therefore be used where the defect can be established within the authority of the land administration institution. Where the dispute principally concerns competing civil ownership claims or complex third-party rights, the matter should be submitted to the competent court (Dewandaru et al., 2020).

d. Resolution through the District Court

The District Court has jurisdiction over disputes whose principal subject matter concerns civil ownership, the validity of a sale and purchase transaction, inheritance rights, possession without legal authority, parcel boundaries, breach of agreement, and unlawful acts. A civil claim may request the court to declare a particular party the lawful owner, declare another party's possession unlawful, order the vacation or restoration of the land, and award compensation.

Supreme Court Decision Number 976 K/Pdt/2015 illustrates the use of civil proceedings to determine the lawful right holder over an object covered by two certificates. The Supreme Court recognised the holder of the Certificate of Building Use Right as the lawful right holder and declared that the opposing party had committed an unlawful act.

A final civil judgment determining ownership may subsequently provide the legal basis for the Land Office to adjust the relevant land administration records. This may involve recording the judgment, correcting data, removing an invalid registration, or implementing another administrative measure consistent with the court's determination.

The District Court is particularly appropriate where the dispute cannot be resolved merely by examining the legality of an administrative decision because the court must determine the substantive civil relationship between the parties. Questions concerning whether a transfer was valid, whether an inheritance right exists, whether possession was lawful, or whether a party acquired land in good faith generally require examination within the civil judicial jurisdiction.

e. Resolution through the State Administrative Court

The State Administrative Court has jurisdiction to review the legality of land administration decisions, including decisions concerning the issuance, rejection, or annulment of certificates, where the dispute concerns the authority of the issuing official, the procedure followed, the substance of the decision, or a violation of the General Principles of Good Governance.

Remaja (2021) affirms that the State Administrative Court is authorised to review a certificate as a state administrative decision, whereas the determination of civil ownership rights generally falls within the jurisdiction of the District Court. This distinction is necessary to determine the appropriate legal forum for an overlapping-certificate dispute.

A claim before the State Administrative Court cannot be based solely on the argument that the disputed certificate was issued later. The claimant must demonstrate a defect in authority, procedure, or substance, or a violation of principles such as prudence, legal certainty, impartiality, transparency, and prohibition of abuse of authority.

Supreme Court Decision Number 316 K/TUN/2021 demonstrates that the Land Office's failure to verify documents, prove a lawful relinquishment of the previous right, and produce the legal basis for granting the new right may constitute grounds for annulling a land administration decision.

The proposition that a State Administrative Court claim must always be filed within 90 days from the date on which a certificate was issued requires qualification. Article 55 of the State Administrative Court Law provides a 90-day limitation period, but its calculation depends on the claimant's legal position, the date on which the decision was received or announced, and, particularly for an affected third party, the date on which that party became aware of the decision that prejudiced its interests.

In addition, Law Number 30 of 2014 concerning Government Administration and Supreme Court Regulation Number 6 of 2018 require attention to the availability and use of administrative remedies, such as administrative objection or appeal, where such remedies are applicable. Accordingly, the procedural route must be determined on the basis of the specific administrative decision, the claimant's legal standing, and the relevant statutory requirements (Remaja, 2021; Azmi & Aminah, 2024).

f. Recommended Integrated Dispute-Resolution Model

Based on the overall analysis, this research proposes an integrated three-stage model for resolving overlapping PTSL certificates in Bandung. The first stage is factual-juridical validation, encompassing examination of registration files, reconstruction of the history of rights, cadastral overlay mapping, field re-surveying, verification of physical possession, and confirmation of boundaries.

The second stage is non-litigation and administrative restoration, which may include mediation, correction of physical or juridical data, adjustment of the registered area, parcel subdivision, partial relinquishment, compensation, or annulment of a defective land administration product.

The third stage is judicial resolution. Proceedings should be brought before the District Court where the principal dispute concerns civil ownership, inheritance, contractual validity, possession, or an unlawful act. Proceedings should be brought before the State Administrative Court where the principal dispute concerns the legality of a land administration decision, including defects in authority, procedure, or substance.

The model should be accompanied by preventive measures. These include cleansing and validating historical certificate data, mapping all previously registered parcels before a PTSL location is processed, documenting the attendance and approval of adjoining landowners, ensuring that announced data are reasonably accessible to the public, and implementing layered quality-control procedures before a certificate is signed.

The proposed model ensures that dispute resolution does not end with the annulment of one certificate. It also requires the Land Office to identify and correct the source of the error so that the same problem is not repeated in adjoining parcels or subsequent PTSL activities.

From the perspective of Gustav Radbruch's Theory of Legal Certainty, legal certainty cannot be achieved merely by preserving a certificate as a formal administrative document. Legal certainty must be balanced with justice for the person who substantively possesses the lawful right and with utility in the form of a resolution that can be effectively implemented.

Maintaining a legally defective certificate solely in the interest of administrative certainty would sacrifice substantive justice. Conversely, annulling a certificate without a transparent examination and due process would create new uncertainty. The recommended model therefore integrates accuracy of data, procedural fairness, protection of legitimate rights, and an enforceable mechanism of restoration (Radbruch, 2006).

Scientific Findings of the Research

The first scientific finding is that overlapping PTSL certificates constitute an indicator of a broader failure in land-data governance rather than merely a technical error committed by a surveying officer. An overlap occurs when physical data, juridical data, cadastral maps, registration files, and the history of rights are not verified and integrated as a single system.

The second scientific finding is that the rule favouring the earlier-issued certificate does not operate automatically. It constitutes a rebuttable presumption of priority that may be

applied only after it has been established that the earlier certificate remains legally valid, refers to the same physical object, was obtained through a lawful process, and has not been transferred, relinquished, annulled, or otherwise terminated.

The third scientific finding is that a certificate issued through PTSL possesses the same evidentiary strength as a certificate issued through sporadic land registration. Its status as a product of a national strategic programme does not grant immunity from administrative examination, judicial review, or annulment where its issuance contains an administrative or juridical defect.

The fourth scientific finding is that legal certainty in land registration consists of three inseparable elements: certainty of data, certainty of procedure, and certainty of restoration. Certainty of data requires accurate physical and juridical information. Certainty of procedure requires lawful, prudent, and transparent certificate issuance. Certainty of restoration requires the availability of an effective mechanism for correcting errors, resolving disputes, and restoring legitimate rights.

The fifth scientific finding is that the effectiveness of PTSL depends not merely on the number of certificates issued but on the programme's capacity to prevent and correct conflicting rights. Quantitative achievement cannot be treated as a complete measure of success when certificates are issued on the basis of inaccurate data or unresolved boundary and ownership disputes.

The sixth scientific finding is that the resolution of overlapping certificates requires institutional integration. Surveying, juridical examination, historical-record verification, public announcement, dispute handling, and maintenance of electronic data should not function as separate administrative activities. They must be coordinated through a cross-validation mechanism before and after certificate issuance.

Accordingly, the answer to the third research question is that overlapping ownership disputes in PTSL implementation in Bandung should be resolved progressively through factual and juridical data verification, mediation, administrative correction or annulment, and proceedings before the District Court or State Administrative Court according to the legal character of the dispute. This integrated approach is more capable of achieving a balance among legal certainty, protection of rights, substantive justice, and legal utility.

IV. CONCLUSIONS

Complete Systematic Land Registration, known as *Pendaftaran Tanah Sistematis Lengkap* (PTSL), is fundamentally a strategic government policy intended to accelerate the achievement of legal certainty and legal protection over land. Nevertheless, the findings of this research demonstrate that the programme may still generate legal uncertainty when its implementation is oriented more towards achieving quantitative targets than ensuring the accuracy of physical and juridical data. Overlapping certificates are not caused solely by technical surveying errors but also by the incomplete integration of older certificates into cadastral maps, inadequate examination of the history of rights, ineffective application of the *contradictio delimitatio* principle, limited

effectiveness of public data announcements, and weak coordination and quality control throughout the stages of PTSL adjudication. Accordingly, disputes involving overlapping certificates constitute a broader problem of land administration governance involving legal rules, implementing officials, facilities and infrastructure, society, and legal culture.

The issuance of two or more certificates over the same parcel of land requires the evidentiary strength of each certificate to be re-examined. A land certificate constitutes strong evidence, but it is not absolute because it may be rebutted when the physical data, juridical data, legal basis of title, or issuance procedures are proven to be inaccurate or legally defective. In principle, the certificate issued earlier possesses a stronger evidentiary position when it was lawfully issued, remains legally valid, refers to the same physical object, and was acquired in good faith. Nevertheless, the determination of the lawful right holder cannot be based solely on the chronological order of certificate issuance. It must also consider the history of rights acquisition, actual physical possession, the validity of supporting documents, the identity and conformity of the disputed object, the good faith of the parties, and compliance with the applicable certificate-issuance procedures. Certificates issued through PTSL do not enjoy legal immunity and may still be annulled when their issuance is proven to contain an administrative or juridical defect.

The resolution of overlapping-certificate disputes must be undertaken progressively and through an integrated process. The initial stage should consist of an administrative examination, tracing of registration files or *warkah*, field re-surveying, cadastral overlay mapping, and reconstruction of the history of rights. Once the relevant physical and juridical facts have been established, resolution may be pursued through mediation facilitated by the Land Office. Where an administrative or juridical error is identified, the competent land administration authority may correct the relevant data or annul the defective land administration product.

Where mediation and administrative resolution are unsuccessful, the dispute may be submitted to the District Court when its principal subject matter concerns ownership and civil rights. Conversely, proceedings may be brought before the State Administrative Court when the dispute concerns the legality of the administrative decision through which the certificate was issued. Therefore, legal certainty in land administration can only be achieved through the integration of certainty of data, certainty of procedure, protection of legitimate rights, and certainty of an effective legal restoration mechanism.

In the context of PTSL implementation in Bandung, these findings demonstrate that legal certainty cannot be measured solely by the number of certificates issued. It must also be assessed by the accuracy of cadastral and juridical data, compliance with adjudication procedures, the ability of the Bandung Land Office to identify previously registered parcels, and the availability of effective mechanisms for preventing and resolving overlapping claims. Substantive legal certainty is achieved only when a certificate accurately reflects the actual physical object, the lawful right holder, and the complete legal history of the land.

The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency should strengthen quality control during the pre-adjudication and adjudication stages of PTSL through comprehensive validation of physical and juridical data. Such validation should include data cleansing, digitalisation and mapping of older certificates, examination of land books and registration files, reconciliation of analogue records with electronic systems, and identification of previously registered parcels before PTSL surveying is conducted.

The *contradictio delimitatio* principle must also be implemented substantively by requiring the meaningful participation of adjoining landowners, documenting agreements concerning parcel boundaries, and postponing certificate issuance where objections or uncertainties regarding the boundaries remain unresolved. The application of this principle should not be limited to the fulfilment of documentary formalities but should ensure that the boundaries recorded in the survey documents correspond to the boundaries mutually recognised in the field.

The Bandung Land Office should strengthen coordination among physical-data collection officers, juridical-data collection officers, the PTSL Adjudication Committee, surveying and mapping officials, urban-village authorities, and the units responsible for controlling and resolving land disputes. Every parcel proposed for certificate issuance should undergo layered verification to ensure that it is not subject to a previously registered right, a dispute record, an administrative block, an inconsistency in area, or an overlap within the cadastral map.

The announcement of physical and juridical data should also be made more transparent and accessible. Existing right holders, heirs, adjoining landowners, and other interested parties must be provided with a genuine opportunity to review the announced data and submit objections before a certificate is issued. Public announcements should not be treated merely as an administrative formality but as an essential mechanism of public verification and preventive legal protection.

The Bandung Land Office should further improve the integration of historical land records with electronic cadastral systems. Older certificates, situation drawings, survey documents, land books, and archived registration files should be validated and spatially mapped before being incorporated into the electronic land information system. Digitalisation should not merely convert analogue records into electronic form but should also improve the accuracy, consistency, and reliability of the underlying data.

A standardised mechanism for handling overlapping certificates should be established and consistently implemented. This mechanism should include document examination, cadastral overlay mapping, field re-surveying, clarification involving all affected parties, mediation, administrative correction, and, where necessary, annulment or judicial resolution. Each stage should be properly documented to ensure transparency, accountability, and procedural fairness.

Members of the public, whether acting as land right holders or PTSL applicants, should actively maintain boundary markers, preserve land documents, report changes in juridical or physical

data, and attend surveying and public-announcement procedures. Landowners should also ensure that their parcels have been accurately mapped within the land administration system and immediately submit an objection where surveying activities or claims by another party encroach upon their land.

Public participation is essential to prevent unilateral claims and support the establishment of accurate, orderly, and reliable land data. Continuous public education should therefore be provided regarding the evidentiary function of certificates, the importance of boundary agreements, the obligation to register transfers or changes in rights, and the legal mechanisms available when an overlapping claim is discovered.

Finally, future research should further examine the practical implementation of the proposed integrated dispute-resolution model by analysing administrative records, cadastral data, mediation outcomes, and court decisions concerning overlapping certificates in Bandung. Such research would provide a more detailed evaluation of the effectiveness of preventive and corrective measures in ensuring sustainable legal certainty within PTSL implementation.

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