

LEGAL ANALYSIS OF LAND RIGHTS TRANSFER MECHANISMS AND THEIR IMPLICATIONS FOR LAND OWNERSHIP IN INDONESIA

Aslan Noor ^{a*)}, Aliya Aisyah Aminy ^{a)}, Aprilia Salsabila ^{a)}, Jessen Rivandi ^{a)},
Orindianisa Hanifah Runandanatadila ^{a)}

^{a)} Universitas Pasundan, Bandung, Indonesia

^{*)} Corresponding Author: aslannoorsh@gmail.com

Article history: received 19 May 2026; revised 26 June 2026; accepted 04 July 2026

DOI: <https://doi.org/10.33751/jhss.v10i2.326>

Abstract. The transfer of land rights is a legal process that determines the validity of changes in the identity of rights holders, the evidentiary force of legal documents, and the certainty of land ownership. Although it is regulated under Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles and Government Regulation Number 24 of 1997 concerning Land Registration, certain provisions of which were amended through Government Regulation Number 18 of 2021, its implementation continues to encounter problems involving privately executed land sale and purchase transactions, document forgery, transfers conducted by unauthorized parties, multiple certificates over the same parcel of land, and inconsistencies in physical and juridical data. This research aims to analyze the juridical characteristics of land-right transfers; the construction of positive law, legal doctrine, and judicial decisions in determining their validity; and their implications for justice, utility, and legal certainty. This study employs normative legal research using statutory, conceptual, and case approaches. Primary, secondary, and tertiary legal materials were collected through library research and analyzed qualitatively and prescriptively using grammatical, systematic, and teleological interpretation. The findings demonstrate that the validity of a transfer of land rights is determined by the continuity of material, formal, and administrative validity. Transfers arising from legal acts generally require evidence prepared by an authorized official and registration, whereas transfers through inheritance are based on different evidentiary requirements. A land title certificate constitutes strong evidence but does not possess absolute evidentiary force because it may be annulled when its issuance is based on defects of authority, procedural defects, forgery, or inaccurate data. This research finds that certainty of land ownership should be directed toward the concept of verified certainty, namely certainty based not only on the existence of a certificate but also on the accuracy of the subject, object, underlying title, authority, and history of transfers. Strengthened data validation, PPAT due diligence, integrated land administration, and measurable correction mechanisms are required to achieve fair and effective legal protection.

Keywords: transfer of land rights; verified certainty; land registration; legal protection; land title certificate.

I. INTRODUCTION

Land is a strategic resource that possesses not only economic value but also social, political, cultural, and legal dimensions. Within the Indonesian legal system, the control and utilization of land are not merely situated within the framework of private ownership but are placed under the State's right of control, as affirmed in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This concept was subsequently elaborated through Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles, hereinafter referred to as the Basic Agrarian Law or UUPA, which positions land as part of agrarian resources that must be managed to achieve public prosperity, social justice, and legal certainty. Therefore, a land right does not merely represent an individual's control over a tangible object but also reflects a legal relationship involving the holder of the right, the land as the object of the right, the authorities inherent in the right, and the restrictions imposed by the State. Inconsistencies in defining and regulating the elements of such legal relationships may create uncertainty in the formulation, implementation, and interpretation of land law (Mahfud & Chin Chin, 2024; Widiyono & Khan, 2023).

One form of the dynamic legal relationship concerning land is the transfer of rights. From a juridical perspective, the transfer of land rights may occur through either legal acts or legal events. Transfers through legal acts include sale and purchase, exchange, grants, capital contributions to companies, and other forms of conveyance. Meanwhile, transfers through legal events occur upon the death of a rights holder, resulting in the transfer of the right to the heirs. This distinction gives rise to different procedural consequences. Article 37 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration requires a deed drawn up by a Land Deed Official, or Pejabat Pembuat Akta Tanah (PPAT), as the basis for registering a transfer arising from a legal act, except for transfers conducted through an auction. In contrast, the registration of a transfer resulting from inheritance is based on the death certificate of the rights holder and evidence establishing the legal status of the heirs, as regulated under Article 42 of Government Regulation Number 24 of 1997. Accordingly, not all forms of land-right transfers can be treated as transactions that invariably require a PPAT deed, because their legal basis, characteristics, and registration procedures differ (Silviana & Fuadi, 2023; Wijayanti et al., 2021).

This distinction demonstrates that the validity of a transfer of land rights cannot be assessed solely on the basis of whether the transfer has been registered. The validity of a transfer must be examined through both material and formal dimensions. The material dimension encompasses the legal capacity and authority of the parties, the clarity of the subject and object of the right, the compatibility between the type of right and the recipient, the parties' freedom of consent, and the absence of legal defects in the underlying title. The formal dimension relates to the documentary evidence of transfer, the authority of the official who prepares the deed, compliance with administrative procedures, and the recording of changes to juridical data at the land office. Compliance with formal requirements does not automatically remedy material defects in a transfer. Conversely, factual possession, payment of the purchase price, or agreement between the parties does not necessarily provide adequate legal protection when the transfer is unsupported by appropriate evidence and registration procedures in accordance with statutory regulations.

Land registration essentially functions to provide certainty regarding the subject, object, type, and encumbrances attached to a right. Nevertheless, Indonesia's land registration system is generally understood as a negative publication system containing positive elements. A land title certificate serves as strong evidence of the physical and juridical data contained therein, but it does not possess absolute evidentiary force. Other parties may still submit objections or initiate legal proceedings and prove that the issuance of the certificate was based on defective title documents, inaccurate data, or unlawful procedures. This configuration means that legal certainty in land registration remains limited because the accuracy of registered data may still be corrected through administrative mechanisms or judicial decisions. Previous studies on land publication systems have revealed tensions between the protection afforded to certificate holders and the protection of parties who can materially prove that they are the true owners (Herdarezki, 2021; Putrisasmita, 2023; Rachmawati et al., 2021).

The issue becomes increasingly complex when the transfer of rights is conducted informally or through private agreements. In societal practice, land sale and purchase transactions may still be carried out on the basis of receipts, written statements, oral agreements, or documents merely acknowledged by village officials. Such acts may create certain civil-law relationships between the parties, provided that the legal requirements for a valid agreement are satisfied. However, they do not provide an adequate basis for recording a change of rights holder at the land office. Consequently, a purchaser may have factual possession of the land and may have fulfilled all contractual obligations, while the name stated in the land register and certificate remains unchanged. This condition places purchasers, particularly good-faith purchasers, in a vulnerable position in relation to resale by the seller, seizure due to the seller's debts, claims by heirs, document forgery, or lawsuits initiated by third parties (Hermawan & Putra, 2022).

Legal risks may also arise even when the transfer of rights has been documented in an authentic deed and registered at the land office. A PPAT deed and a land certificate may be challenged when the identities of the parties have been falsified,

signatures are not authentic, the consent of heirs has not been obtained, the land is subject to an ongoing dispute, or the party transferring the right lacks legal authority over the object. Fatih and Putra (2022) demonstrate that the falsification of documents used as the basis for preparing a deed of grant may eliminate the legal foundation of a transfer of rights. This condition confirms that the role of a PPAT is not merely administrative. A PPAT is required to apply the principle of due diligence by examining the identities and legal authority of the parties, the authenticity of documents, the history of land possession, the conformity of physical and juridical data, and the genuine intentions of the parties before incorporating the legal act into a deed (Isnaini & Wanda, 2018).

The urgency of research concerning the mechanism for transferring land rights is also demonstrated by the persistently high number of land-related cases and disputes. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency reported that it handled 2,161 land cases throughout 2024. This figure should be understood as representing cases handled by the institution rather than the total number of disputes occurring within society. Nevertheless, the data indicate that administrative order, document validity, clarity of land boundaries, the authority of parties transferring rights, and certainty regarding lawful ownership remain current issues in the administration of Indonesian land law.

The development of electronic land registration adds a new dimension to the mechanism for transferring rights. Government Regulation Number 18 of 2021 updated several provisions concerning land rights and land registration, while Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2023 regulates the issuance of electronic documents in land registration activities. The digitalization of land administration may improve the efficiency, accessibility, integration, and traceability of land services. However, digitalization does not automatically guarantee the material accuracy of land data. When the original data converted into an electronic system contain errors, overlapping claims, unclear boundaries, or defects in the underlying title, the use of technology merely transfers those problems from conventional documents into an electronic system. Therefore, digital transformation must be accompanied by data validation, stronger system security, institutional interoperability, correction mechanisms, and clearly defined institutional accountability (Ghaniyyu et al., 2022; Kusmiarto et al., 2021; Sukadi et al., 2024).

Previous studies have examined the transfer and registration of land rights from various perspectives. Rachmawati et al. (2021) examined the integration of the land registration system and the implementation of Complete Systematic Land Registration, while Herdarezki (2021) proposed strengthening a positive publication system to improve legal certainty. Putrisasmita (2023) connected the implementation of Complete Systematic Land Registration with the agrarian reform agenda. Widiyono and Khan (2023) examined legal certainty in the acquisition of rights under national land law, whereas Mahfud and Chin Chin (2024) identified inconsistencies in the definition of land rights across several regulations that may generate legal uncertainty. These studies provide an important foundation for understanding the structure of land registration

and the legal status of certificates. However, they have not specifically integrated the differences among transfer mechanisms, validity requirements, evidentiary strength, and their implications for determining the lawful owner.

Other studies have focused primarily on specific forms of transfer or particular types of evidence. Wijayanti et al. (2021), Silviana and Fuadi (2023), and Keumala (2023) examined the transfer of rights through inheritance and the legal construction of inheritance certificates or deeds. Hermawan and Putra (2022) analyzed legal protection for good-faith purchasers in privately conducted land sale and purchase transactions. Fatih and Putra (2022) discussed document forgery in the preparation of deeds of grant, while Isnaini and Wanda (2018) emphasized the PPAT's duty of due diligence in transfers involving uncertified land. These studies have demonstrated the complexity of issues associated with each form of transfer. Nevertheless, their analyses remain fragmented according to specific types of legal acts, documents, professional roles, or individual cases.

The modernization of land administration has also attracted attention in previous research. Kusmiarto et al. (2021) assessed Indonesia's readiness for the digital transformation of land services. Ghaniyyu et al. (2022), Destriana and Allagan (2022), and Sukadi et al. (2024) analyzed electronic certificates from the perspectives of legal certainty, evidence, the role of PPATs, and legal policy. In the international literature, Sommer and de Vries (2023) explain that land registers are not merely technical products but administrative artefacts shaped by values, legal categories, technology, and institutional practices. Fayyad and Al-Sinnawi (2023) also demonstrate that sporadic land registration may encounter institutional problems, issues concerning the quality of evidence, costs, and public participation. These findings confirm that the effectiveness of land registration is determined not only by the use of technology but also by the quality of legal norms, the accuracy of data, institutional capacity, and the underlying legal protection mechanisms.

Based on the mapping of previous research, studies concerning the transfer of land rights still tend to separate discussions of the validity of legal acts, the role of PPATs, registration procedures, publication systems, inheritance, purchaser protection, certificate annulment, and the digitalization of land administration. Few studies have placed all these elements within a single integrated analytical framework to determine when a transfer of rights is materially valid, formally provable, administratively registrable, and legally defensible when challenged by another party. This fragmentation has resulted in an incomplete explanation of the relationship between the validity of legal acts, the evidentiary force of documents, registration, and the protection of lawful owners.

The novelty of this research lies in the development of a three-layer analytical model for examining the mechanism of land-right transfers. The first layer consists of a normative validity analysis that examines the conformity of the subject, object, underlying title, legal act or legal event, documentary evidence, authority of officials, and transfer procedures with the hierarchy of statutory regulations. The second layer consists of a legal protection analysis that distinguishes preventive protection through PPAT examinations, registration, publicity,

data validation, and the application of due diligence from repressive protection through administrative corrections, certificate annulment, civil lawsuits, criminal proceedings, and proceedings before the State Administrative Court. The third layer consists of an evaluation of legal objectives based on the values of justice, utility, and legal certainty. This framework enables the research not only to determine whether a transfer is legally valid but also to explain differences in legal strength among factual possession, transfer deeds, registration data, and land title certificates.

The normative validity analysis in this research is based on Hans Kelsen's Theory of the Hierarchy of Norms. This theory views law as a hierarchical structure of norms in which the validity of a norm is determined by a higher norm. In the context of land law, this structure extends from the constitutional values contained in the 1945 Constitution of the Republic of Indonesia, the Basic Agrarian Law, Government Regulation Number 24 of 1997 as amended through Government Regulation Number 18 of 2021, ministerial regulations, and finally the specific acts of PPATs and land-office officials. The theory of normative hierarchy is employed to assess whether regulations, decisions, deeds, and records of land-right transfers have been established on the basis of lawful authority and valid legal requirements. Defects in implementing regulations, official authority, or administrative acts may affect the validity of registration outcomes even when a certificate has already been issued (Hadi, 2024).

Legal Protection Theory is used to assess the capacity of the land-right transfer mechanism to protect rights holders, purchasers, heirs, recipients of grants, creditors, and third parties. Preventive protection is realized through clear legal norms, verification of the identities and authority of the parties, examination of the status of the land, preparation of a PPAT deed, consent from interested parties, registration, publicity, and validation of physical and juridical data. Repressive protection operates after a dispute has arisen through administrative objections, mediation, data corrections, annulment of decisions or certificates, civil litigation, criminal proceedings in cases involving forgery, and proceedings before the State Administrative Court. The distinction between preventive and repressive protection is necessary because the legal status of a certificate as strong evidence does not eliminate the possibility of correction when material defects, defects of authority, or procedural defects are discovered in the transfer and registration process.

Gustav Radbruch's theory of legal objectives is employed as an evaluative framework for assessing justice, legal certainty, and utility in the mechanism for transferring land rights. Legal certainty requires clear rules, procedures, and evidence of ownership whose application can be predicted. Justice requires proportionate protection for certificate holders, material owners, good-faith purchasers, heirs, and third parties. Utility concerns the ability of the land-transfer and registration system to support transactions, access to financing, dispute resolution, administrative order, and the productive utilization of land. These three values must be applied simultaneously because formal certainty that disregards the true owner may produce injustice, whereas a system that too easily permits legal

challenges may diminish the stability and practical utility of land registration.

The relationship among these three theories positions the hierarchy and consistency of legal norms as the basis for examining the material and formal validity of a transfer. Such validity subsequently determines whether the transfer can be registered and the degree of evidentiary force attached to it. Registration and evidentiary strength are then analyzed from the perspectives of preventive and repressive legal protection before being evaluated according to justice, utility, and legal certainty. Accordingly, land ownership is not understood merely as a consequence of the issuance of a document but as the result of the relationship among the validity of the underlying title, the authority of the parties, procedural compliance, the accuracy of physical and juridical data, and the availability of protection mechanisms when disputes arise.

Based on the foregoing discussion, the principal research problem concerns the nature and juridical characteristics of transfers of land rights through legal acts and legal events, as well as their consequences for the ownership status of the parties. This research also analyzes how positive law, legal doctrine, and judicial decisions determine material validity, formal validity, evidentiary force, and the identification of the lawful owner in the transfer of land rights. In addition, the research evaluates the implications of these mechanisms for justice, utility, legal certainty, and the protection of the parties, while formulating the normative improvements required in the administration of land affairs in Indonesia.

On the basis of these issues, this research aims to analyze the nature and juridical characteristics of transfers of land rights through legal acts and legal events; reconstruct the relationship among positive law, legal doctrine, and judicial decisions in assessing the material, formal, and administrative validity of a transfer; and evaluate the implications of such mechanisms for justice, utility, legal certainty, and the protection of the parties in the practice of land ownership in Indonesia. The research findings are expected to provide a theoretical contribution to the development of land law and a practical contribution to the government, land offices, PPATs, law-enforcement officials, and society in establishing a mechanism for the transfer of land rights that is more orderly, accountable, equitable, and capable of providing legal certainty.

II. RESEARCH METHODS

This study constitutes normative legal research, also referred to as doctrinal legal research, employing a normative juridical approach. Normative legal research was selected because the issues examined focus on the validity, consistency, and application of legal norms governing the mechanisms for transferring land rights and their implications for land ownership in Indonesia. This research is not intended to measure societal behavior statistically. Rather, it seeks to identify, inventory, systematize, interpret, and evaluate positive law, legal doctrines, and judicial decisions relevant to the research problems. Doctrinal legal research essentially treats law as a system of norms analyzed through legal reasoning to identify the applicable law, resolve ambiguities or conflicts

between norms, and formulate prescriptive arguments for addressing specific legal issues (Hutchinson & Duncan, 2012; Marzuki, 2022; Negara, 2023).

In terms of its nature, this research is descriptive-analytical and prescriptive. The descriptive aspect is used to systematically explain the legal construction governing the transfer of land rights, including the forms of transfer, material and formal requirements, the legal status of deeds prepared by Land Deed Officials, or *Pejabat Pembuat Akta Tanah* (PPAT), registration procedures, and the evidentiary force of land title certificates. The analytical aspect is used to examine the relationships, consistency, and conformity among legal norms, as well as between legal norms and their application in judicial decisions. The prescriptive aspect is employed to formulate legal assessments and recommendations for strengthening the mechanisms for transferring land rights so that they provide greater justice, utility, legal certainty, and protection for the parties involved. This prescriptive character is consistent with the purpose of legal research, which does not merely describe legal regulations but also produces arguments for answering and resolving legal problems (Marzuki, 2022).

The research approaches employed consist of the statutory approach, conceptual approach, and case approach. The statutory approach is conducted by examining the hierarchy, substantive content, consistency, and interrelationships of all regulations governing land rights, the conveyance and transfer of rights, land registration, the authority of PPATs, and the issuance of land documents. The examination applies the principles of *lex superior derogat legi inferiori*, *lex specialis derogat legi generali*, and *lex posterior derogat legi priori*. This approach is used to identify the existence of conflicts, legal gaps, ambiguities, or inconsistencies in the regulation of land-right transfers.

The conceptual approach is used to examine and construct the legal concepts underlying the mechanisms for transferring land rights. These concepts include the State's right of control, land rights, conveyance and transfer of rights, the validity of legal acts, material and formal requirements, the principles of publicity and specificity, good-faith purchasers, legal protection, the land-registration publication system, and certainty of ownership. This approach is also used to operationalize Hans Kelsen's Theory of the Hierarchy of Norms, Philipus M. Hadjon's Theory of Legal Protection, and Gustav Radbruch's theory of legal objectives as analytical instruments for addressing the research problems. A conceptual approach is necessary because doctrinal legal research cannot be limited to reading the wording of legal regulations; it must also identify the concepts, principles, and doctrines that shape and explain the meaning of legal norms (Negara, 2023).

The case approach is conducted by examining judicial decisions concerning privately executed land sale and purchase transactions, unauthorized transfers, document forgery, inheritance disputes, defects in PPAT deeds, multiple certificates over the same parcel of land, and the annulment of land certificates. The decisions are purposively selected based on several criteria: they must be directly related to the transfer of land rights; contain judicial considerations regarding the material or formal validity of the transfer; demonstrate a conflict between the formal owner and a party claiming to be

the material owner; and provide legal arguments relevant to the research questions. Priority is given to final and binding decisions that can be accessed through the Supreme Court Decision Directory or official court sources.

Case analysis is not limited to the operative part of a judgment but also covers the legal facts, grounds of the claim, evidence submitted, legal considerations or *ratio decidendi*, and legal principles that may be derived from the decision. In doctrinal legal research, the case approach is used to understand how courts interpret and apply legal norms in concrete disputes and to identify consistency or differences in judicial reasoning (Hutchinson & Duncan, 2012; Negara, 2023).

The research materials consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia; Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles; the Indonesian Civil Code, insofar as it is relevant to the legal requirements of agreements, authority to perform legal acts, and the consequences of legal acts; Government Regulation Number 24 of 1997 concerning Land Registration, as partially 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 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities; regulations concerning the office and performance of duties of PPATs; and judicial decisions relating to land-right transfers and land-ownership disputes.

Secondary legal materials include scientific journal articles, legal textbooks, monographs, research reports, case commentaries, and scholarly opinions addressing agrarian law, land law, land registration, contract law, the law of evidence, legal protection, and legal theory. Secondary legal materials are selected based on the relevance of their substance, the authority of their authors and publishers, the recency of publication, peer-review status, journal indexing, and the traceability of their digital identity. Priority is given to journal articles published in accredited national journals and reputable international journals with active Digital Object Identifiers (DOIs). Tertiary legal materials include legal dictionaries, language dictionaries, encyclopedias, statutory indexes, and other supporting sources used to clarify terminology and locate primary and secondary legal materials.

Because this study employs the typology of normative legal research, the research data are referred to as legal materials rather than primary data obtained through observations or interviews. Primary legal materials in normative research are legally binding sources, such as statutory regulations and judicial decisions, while secondary legal materials consist of literature that provides explanations, criticism, and analyses of primary legal materials. This research does not involve respondents, informants, populations, statistical samples, questionnaires, or field observations because its object is neither societal behavior nor the empirical implementation of law.

This research does not have a research location in the sense of a field-research site. Legal materials are collected through libraries and electronic databases, particularly the Legal Documentation and Information Network of the Audit Board of the Republic of Indonesia, the Legal Documentation and

Information Network of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, the legal documentation networks of relevant ministries and institutions, the Supreme Court Decision Directory, and scientific journal databases. Official sources are used to ensure the authenticity of legal texts, the validity status of regulations, and the completeness of the judicial decisions analyzed.

Legal materials are collected through library research and document study. Library research is conducted by searching for literature using keywords related to the transfer of land rights, PPAT deeds, privately executed land sale and purchase transactions, inheritance, grants, land registration, certificate annulment, the negative publication system with positive tendencies, and the protection of good-faith purchasers. Document study is conducted on statutory regulations, official policy documents, judicial decisions, and land-related documents that are lawfully available for academic purposes. Document analysis is performed systematically to assess the origin, context, authenticity, relevance, and normative content of each document (Bowen, 2009).

The instruments used to collect legal materials consist of an inventory sheet and a legal-material analysis matrix. At a minimum, the matrix records the identity of the legal material, its position within the regulatory hierarchy, relevant provisions, legal issues, principal concepts, judicial considerations, its relationship with other legal materials, and its contribution to answering the research questions. The matrix is used to maintain source traceability and consistency throughout the analytical process. Observations, interviews, and questionnaires are not employed because they are inconsistent with the normative legal-research typology applied in this study.

The collected legal materials are processed through the stages of inventory, verification, classification, systematization, and synthesis. The inventory stage involves compiling all relevant legal materials. Verification is conducted to confirm the authenticity of sources, the validity status of regulations, the accuracy of judicial-decision details, and the active status of journal-article DOIs. Classification is undertaken according to the form of rights transfer, validity requirements, evidentiary instruments, registration procedures, forms of legal protection, and legal consequences. The legal materials are then arranged according to the hierarchy of regulations and their relevance to each research question. The synthesis stage connects legal norms, principles, doctrines, and judicial considerations to construct coherent legal arguments.

The legal materials are analyzed qualitatively and prescriptively through deductive legal reasoning. The analysis begins with general legal norms and principles, which are subsequently applied to evaluate specific issues concerning the validity and legal consequences of land-right transfers. The methods of interpretation employed include grammatical, systematic, and teleological interpretation. Grammatical interpretation is used to understand the meaning of terms contained in legal provisions. Systematic interpretation is applied to connect one provision with other provisions within the same legal system. Teleological interpretation is used to evaluate legal norms based on the objectives of land registration, namely legal certainty, protection of rights holders, and administrative order.

The analysis is conducted through three layers of examination. First, normative-validity examination is used to assess the conformity of regulations and acts of land-right transfer with the hierarchy of norms, official authority, material requirements, and formal requirements. Second, legal-protection examination is employed to assess the availability of preventive protection through PPAT examinations, registration, data validation, and publicity, as well as repressive protection through administrative corrections, certificate annulment, civil lawsuits, and judicial proceedings. Third, the examination of legal objectives is used to evaluate the balance among justice, utility, and legal certainty in determining the legal positions of certificate holders, material owners, good-faith purchasers, heirs, and third parties.

The validity and reliability of legal materials are maintained through cross-checking among sources. The texts of regulations are examined through official government databases, while their amendment or revocation status is traced through the applicable regulatory metadata. Judicial decisions are verified according to their case numbers, levels of adjudication, operative rulings, and finality status. Journal articles are verified through the publisher's website, author identity, volume, issue, page numbers, and DOI.

When differences in doctrinal opinions or legal considerations among judicial decisions are identified, such differences are not eliminated. Instead, they are compared to determine the basis of the arguments, patterns in the application of legal norms, and their implications for certainty of land ownership. The overall results of the analysis are then used to answer the research questions and formulate recommendations for strengthening the legal framework governing the transfer of land rights in Indonesia.

III. RESULTS AND DISCUSSION

The inventory of primary and secondary legal materials demonstrates that disputes concerning the transfer of land rights in Indonesia are not caused solely by the absence of land title certificates. Legal problems may also arise after a certificate has been issued when the underlying title, the authority of the transferring party, the transfer documents, or the registration process contains legal defects. An examination of statutory regulations, judicial decisions, Supreme Court Chamber Formulations, and scientific articles identifies at least five recurring patterns of legal problems: privately executed land sale and purchase transactions that cannot be registered, transfers based on forged documents, transfers of inherited property without the consent of the legally entitled parties, the issuance of more than one certificate over the same parcel of land, and the digitalization of land documents without prior validation of physical and juridical data.

The inventory produces a principal finding that certainty of land ownership is not binary in nature, consisting merely of "certified" and "uncertified" land. Legal certainty is cumulatively established through continuity among the authority of the transferring party, the validity of the legal act or legal event, the validity of the evidence, compliance with registration procedures, and the accuracy of physical and juridical data. A break in any component of this chain weakens

the legal force of the transfer, even when the other components have been fulfilled.

Table 1. Inventory of Legal Materials and Patterns of Land-Right Transfer Cases

No.	Legal material or case	Principal facts or issues	Juridical findings
1	Bekasi District Court Decision Number 226/Pdt.G/2021/PN Bks	The sale and purchase was conducted in 2005 for IDR 200,000,000 and evidenced by a receipt. The purchaser physically possessed the land, but the certificate remained registered in the seller's name, and the seller's whereabouts subsequently became unknown.	Payment and factual possession were insufficient to serve as a basis for changing the registered data. The absence of a PPAT deed created a separation between substantive possession and registered ownership.
2	Study of document forgery in a deed of grant	The deed of grant and the registration process were based on documents or statements that were not authentic.	The authentic form of a deed cannot cure material defects concerning the authority, identity, consent, or underlying title of the transferring party.
3	Supreme Court Civil Chamber Formulation concerning good-faith purchasers	The protection afforded to purchasers depends on compliance with transaction procedures and the exercise of due diligence in examining the status of the seller and the land.	Good faith is not merely subjective but must be demonstrated through procedural compliance and due diligence concerning the legal status of the land.
4	Jurisprudence concerning multiple certificates	More than one certificate was issued over the same parcel of land or over overlapping parcels.	The certificate issued first is generally given priority, although this priority may be disregarded when its issuance is proven to be legally defective.
5	Studies concerning transfers through inheritance and the digitalization of land registration	Documents establishing heirship differ according to the applicable legal construction, while electronic conversion depends on the validity of the original data.	Inheritance cannot be treated in the same manner as a sale and purchase and does not invariably require a PPAT deed. Digitalization strengthens administration but does not automatically establish the material accuracy of the data.

The Nature and Juridical Characteristics of the Mechanism for Transferring Land Rights in Indonesia

The findings demonstrate that the transfer of land rights is not merely the transfer of control over a physical object. It constitutes a change in the legal relationship among the subject, object, type of right, and the authority inherent in that right. Land as a legal object cannot be separated from the status of the right attached to it, the identity of the rights holder, the parcel boundaries, the use of the land, and the restrictions imposed by the State. Accordingly, physical delivery of the land or payment of the purchase price does not automatically provide certainty that the registered rights holder has legally changed. Ambiguities in the definition and scope of land rights across different regulations may also influence the formulation, implementation, and interpretation of land law (Mahfud & Chin Chin, 2024).

Juridically, the transfer of land rights may occur through legal acts or legal events. Transfers through legal acts include sale and purchase, exchange, grants, capital contributions to companies, and other legal acts involving the conveyance of rights. Transfers through legal events occur, among other circumstances, upon the death of the rights holder, resulting in the right passing to the heirs. The different sources of transfer generate different evidentiary and registration requirements. Article 37 paragraph (1) of Government Regulation Number 24 of 1997 requires a PPAT deed as the basis for registering transfers through sale and purchase, exchange, grants, capital contributions to companies, and other acts transferring rights, except for transfers conducted through auction. In contrast, the registration of transfers through inheritance is governed by Article 42 and is based on a death certificate and evidence establishing the legal status of the heirs.

This finding corrects the view that all forms of transfer constitute transactions that must be evidenced by a PPAT deed. The studies conducted by Wijayanti et al. (2021) and Silviana and Fuadi (2023) similarly demonstrate that transfers through inheritance involve evidentiary constructions and legal-certainty issues that differ from those associated with sale and purchase transactions.

Based on the analysis, the juridical characteristics of land-right transfer mechanisms can be explained through four layers of validity. The first layer is the validity of the source of authority, namely an assessment of whether the transferring party is genuinely the rights holder or is legally authorized to act on behalf of the rights holder. The second layer concerns the validity of the legal act or legal event, including legal capacity, consent, clarity of the object, approval from interested parties, and the recipient's compliance with the requirements applicable to the subject of the right. The third layer is evidentiary validity, involving a PPAT deed, auction minutes, an inheritance certificate, or other legally required documents. The fourth layer is administrative validity, which is realized through the recording of changes to juridical data and the issuance or updating of land-registration documents. These four layers are interconnected but cannot substitute for one another.

This four-layer model is illustrated by Bekasi District Court Decision Number 226/Pdt.G/2021/PN Bks. In that case, the purchaser had paid the purchase price, received the land

documents, and physically possessed the object. However, the sale and purchase was evidenced only by a receipt and had not been incorporated into a PPAT deed. When the purchaser intended to register the transfer of title, the seller's whereabouts were unknown. The plaintiff subsequently requested authorization to act simultaneously as the purchaser and as the seller's representative in signing the deed. The request was rejected because it could place one party in two conflicting legal positions. Consequently, the purchaser possessed a basis for factual possession and a civil-law relationship with the seller but lacked an adequate formal instrument to amend the registration data (Hermawan & Putra, 2022).

The case demonstrates the distinction between the validity of an *inter partes* relationship and its enforceability against third parties. Payment of the purchase price and delivery of the land may establish the existence of a relationship between the seller and purchaser, but they do not immediately create publicity upon which third parties may rely. A PPAT deed and registration transform a legal relationship initially known only to the parties into one publicized through the land-administration system. Therefore, deeds and registration must not be regarded merely as bureaucratic formalities. They perform evidentiary and publicity functions, prevent multiple transactions over the same object, and provide protection to third parties.

This finding is consistent with Widiyono and Khan (2023), who concluded that the complexity of regulations and procedures for acquiring rights remains a source of disputes, thereby requiring legal harmonization to strengthen certainty. This research, however, goes further by demonstrating that regulatory harmonization alone is insufficient. Certainty also depends on continuity among material validity, documentary evidence, official acts, and registration. Formally harmonized regulations may still generate disputes when the authority of the parties and the accuracy of the data are not adequately examined.

This hierarchical character may be analyzed through the Theory of the Hierarchy of Norms. The 1945 Constitution of the Republic of Indonesia provides the constitutional foundation for State control over agrarian resources. The Basic Agrarian Law subsequently establishes the framework of land rights and registration obligations, which is further elaborated through Government Regulation Number 24 of 1997, Government Regulation Number 18 of 2021, and other technical regulations. At the concrete level, PPATs incorporate legal acts into deeds, while land-office officials record changes to registered data. Such deeds, decisions, and records may be viewed as individual legal norms whose validity depends on conformity with higher norms.

The Theory of the Hierarchy of Norms explains why an issued certificate may still be annulled. The issuance of a certificate does not eliminate the obligation to examine whether the concrete acts underlying it conform to higher legal norms. When a deed is prepared by an unauthorized official, the seller is not the rights holder, a signature has been forged, the consent of the heirs has not been obtained, or the physical data do not correspond to the actual circumstances, the individual norm represented by the registration decision loses

its basis of validity. Therefore, the formal legal force of a document cannot stand independently from the material validity of the preceding process.

This finding is also evident in Fatih and Putra's (2022) study concerning document forgery in the preparation of a deed of grant. A deed executed in authentic form may nevertheless lose its legal force as the basis for a transfer when the underlying identity, consent, or documentation is proven to be false. This demonstrates that formal authenticity is distinct from material truth. An authentic deed provides evidentiary force regarding matters formally performed or declared before an authorized official, but it cannot legitimize an act originating from forgery or performed by a person lacking authority.

Based on the overall analysis, the first scientific finding of this research is that the mechanism for transferring land rights possesses material, formal, administrative, hierarchical, and corrective characteristics. It is material because validity depends on authority, consent, and the object of the right. It is formal because the transfer must be supported by legally prescribed evidence. It is administrative because changes in the rights holder must be recorded to create publicity. It is hierarchical because acts at the implementation level derive their validity from higher norms. Finally, it is corrective because registration data and certificates may still be corrected when legal defects are identified.

The Construction of Positive Law, Legal Doctrine, and Judicial Decisions in Assessing the Validity of Land-Right Transfers

The construction of positive law demonstrates that the validity of a land-right transfer cannot be reduced to the existence of a certificate or a PPAT deed. Positive law establishes a relationship among the material validity of the act, the sufficiency of the evidence, and compliance with administrative requirements. Article 19 of the Basic Agrarian Law positions land registration as an instrument for ensuring legal certainty. Articles 23, 32, and 38 of the Basic Agrarian Law further require the registration of transfers, extinguishment, and encumbrance of certain rights. These provisions are elaborated through Government Regulation Number 24 of 1997, certain provisions of which were amended through Government Regulation Number 18 of 2021.

In transfers conducted through legal acts, a PPAT deed serves as evidence that a particular legal act has been performed. However, the PPAT deed is not the sole determinant of validity. The PPAT must first assess the identities and legal capacity of the parties, the seller's authority, the conformity of the certificate data with the land register, the status of encumbrances, the consent of a spouse or heirs when required, and compliance with taxation requirements. The principle of due diligence requires the PPAT not merely to accept documents administratively but also to identify irregularities that may indicate forgery, abuse of authority, or sham transactions. Isnaini and Wanda (2018) emphasize that PPAT due diligence constitutes an essential element in preventing disputes, particularly in transactions involving uncertified land.

The analysis of the publication system demonstrates that Indonesia does not apply a purely positive system that absolutely guarantees the accuracy of registered data. Article 32 paragraph (1) of Government Regulation Number 24 of 1997 provides that a certificate constitutes strong evidence regarding the physical and juridical data contained therein, insofar as the data correspond to the survey document and the land register. The phrase "strong evidence" creates a presumption that registered data are correct, but the presumption remains rebuttable.

Article 32 paragraph (2) strengthens the position of a certificate holder who acquired the land in good faith, physically possessed it, and faced no written objection or lawsuit for five years. However, this provision cannot be invoked to protect a party who obtained a certificate through fraud, forgery, or unauthorized acts.

This system produces legal certainty that is relative and layered. A certificate creates initial certainty because the public and third parties are entitled to rely on registered data. However, this certainty is not absolute because the system still permits a substantive owner to prove that the issuance process was legally defective. Herdarezk (2021) proposes strengthening the system toward a positive publication model to improve the stability of land data. Putrisasmita (2023), meanwhile, emphasizes the importance of systematic registration in expanding the scope of protection.

This research finds that movement toward a more positive publication system is appropriate only when the quality of the underlying data, adjudication mechanisms, and State responsibility are sufficiently robust. Without these prerequisites, treating registered data as absolute may instead validate administrative errors and extinguish the rights of the true owner.

Judicial decisions perform a corrective function within this system. Courts assess not only the existence of a certificate but also the origin of the right, the authority of the parties, the chronology of possession, the authenticity of the evidence, good faith, and the document-issuance process. In cases involving multiple certificates, Supreme Court practice generally prioritizes the certificate issued first. However, this principle is not absolute. The first-issued certificate may still be disregarded when it was based on an invalid underlying title or issued through a defective process. Conversely, a subsequently issued certificate does not automatically lose its legal force when its holder can demonstrate that the earlier certificate lacked a valid basis.

The legal construction concerning the protection of good-faith purchasers also reflects a shift from a subjective to an objective concept. Good faith cannot be established merely by asserting that the purchaser was unaware of a dispute or defect affecting the object. Under the Supreme Court Civil Chamber Formulation, the purchaser must conduct the transaction through lawful procedures and demonstrate due diligence. For registered land, the purchaser must examine the seller's authority, the existence of seizure orders and security rights, and obtain information concerning the status and history of the land from the land office. For customary land or unregistered land, the transaction must be conducted in a cash-and-open

manner, preceded by an investigation of the seller's ownership, and concluded for a reasonable price.

These criteria demonstrate that good faith constitutes a combination of honesty and *due diligence*. A purchaser who disregards discrepancies in the seller's identity, acquires the land for an unreasonable price, fails to inspect physical possession, or is aware of objections from third parties cannot obtain protection merely because the purchaser possesses a deed or certificate. Conversely, a purchaser who has followed reasonable procedures and was unaware of hidden defects deserves legal protection. Hermawan and Putra (2022) demonstrate that a purchaser involved in a privately executed transaction may possess good faith and a legitimate interest deserving protection. Nevertheless, such protection does not authorize a court to disregard all registration procedures.

Bekasi District Court Decision Number 226/Pdt.G/2021/PN Bks demonstrates the limits of such protection. The judicial panel did not authorize the purchaser to simultaneously represent the seller in preparing the deed because this construction could conflict with the requirements governing the presence and intention of the parties. Substantively, the purchaser had a legitimate interest because the purchase price had been paid and the land was physically possessed. However, protection could not be provided by creating a procedure that potentially generated a conflict of interest. The case demonstrates that substantive justice must still be pursued through mechanisms that do not undermine the integrity of land administration.

In transfers through inheritance, validity is not determined by a sale and purchase deed or by the deceased person's intention after death but by the occurrence of death and the recipient's legal status as an heir. Common problems include variations in inheritance certificates, incomplete information concerning heirs, the sale of inherited property by one heir without the consent of the other heirs, and differences in the authority of institutions issuing inheritance documents.

Wijayanti et al. (2021) and Silviana and Fuadi (2023) demonstrate that the plurality of inheritance documents may result in inconsistent public services and legal uncertainty. This research confirms that certainty cannot be achieved solely through the standardization of documentary forms. It also requires an integrated mechanism for verifying family relationships, the identities of heirs, wills, and potential disputes.

The analysis also identifies fragmentation in dispute-resolution mechanisms. Disputes concerning ownership and the validity of civil-law relationships are generally examined by the general courts or religious courts, depending on their respective jurisdiction. In contrast, disputes concerning the legality of land-administration decisions may be examined by the State Administrative Court. A single sequence of events may therefore generate multiple legal proceedings when disputes concerning ownership, forgery, and the annulment of administrative decisions arise simultaneously. Such fragmentation may produce inconsistent judgments and prolong the resolution process. Wahid and Sulistiyono (2025) associate this issue with the need for institutional reform in land-dispute resolution.

Based on the interaction among positive law, legal doctrine, and judicial decisions, the legal force of a transfer can be classified into four situations. First, a transfer that is materially valid, supported by accurate evidence, and duly registered receives the strongest level of protection. Second, a transfer that is materially valid but has not fulfilled the registration formalities creates a legal relationship between the parties but remains weak against third parties. Third, a registered transfer containing material defects may still be annulled. Fourth, a transfer that is materially defective and unregistered has no legal basis for protection as a valid conveyance of rights.

The second scientific finding of this research is that courts do not merely annul or uphold certificates but undertake a reconstruction of the chain of legitimacy of the right. Judges examine the relationship among the underlying title, the transferring party, the legal act, the evidence, physical possession, registration, and good faith. Accordingly, the principal object of judicial examination is not the certificate as an independent document but the entire legal process that produced it.

Implications of Land-Right Transfer Mechanisms for Justice, Utility, and Legal Certainty

The mechanism for transferring land rights has direct implications for legal certainty. Registration enables the public to identify the rights holder, the location and boundaries of the object, the type of right, and any encumbrances attached to the land. Such information is important for transactions, the establishment of security rights, investment, development planning, and dispute resolution. However, the negative publication system containing positive elements means that the resulting certainty is not absolute. Certificate holders possess a strong evidentiary position but must accept the possibility that their rights may be challenged when the acquisition process contains legal defects.

This relative legal certainty is not necessarily a weakness. Corrective mechanisms are required to prevent the administrative system from protecting forgery, unlawful occupation, or unauthorized transfers. Nevertheless, corrective opportunities that are excessively broad and unsupported by consistent evidentiary standards may reduce public confidence in registration data. Therefore, a balance must be established by affording a strong presumption to registered data, applying stricter annulment criteria, implementing objective standards of good faith, and providing remedies for parties harmed by administrative errors.

From the perspective of justice, the primary conflict arises between the formal owner and the substantive owner. The formal owner bases the claim on a certificate and registration data, whereas the substantive owner relies on possession, inheritance, payment, or an unregistered underlying title. Providing absolute protection to the certificate holder may disadvantage the true owner when the certificate was obtained through forgery or administrative error. Conversely, providing excessively broad protection to every person claiming to be the substantive owner may eliminate the function of certificates and create instability in transactions.

Justice cannot therefore be achieved by automatically preferring either the formal owner or the substantive owner. It

must be determined based on the quality of the underlying title, the conduct of the parties, the degree of due diligence exercised, actual possession, and each party's contribution to the occurrence of the dispute. A purchaser who has conducted examinations and followed proper procedures deserves stronger protection than a purchaser who intentionally avoided using a PPAT or disregarded indications of a dispute.

Similarly, an original owner who was aware that the land had been possessed and registered by another party but failed for an extended period to raise an objection without reasonable justification occupies a different position from an owner who was the victim of forgery and immediately pursued legal remedies.

From the perspective of utility, registration increases the economic utility of land because registered rights can be transferred, inherited, encumbered with security rights, and used in commercial activities more easily. Widiyono and Khan (2023) argue that regulatory reform can improve the efficiency and transparency of acquiring land rights. However, such utility arises only when the data can be trusted. Certificates that are vulnerable to annulment, uncertain boundaries, or incomplete land histories increase transaction costs because prospective purchasers and financial institutions must bear additional risks.

The digitalization of land registration can increase utility through faster services, document storage, data integration, and the traceability of changes. Kusmiarto et al. (2021) demonstrate that digital transformation requires organizational readiness, competent human resources, appropriate work processes, and reliable data. Ghaniyyu et al. (2022) also emphasize that electronic certificates may possess evidentiary force, although their protection depends on system security and the validity of the conversion process. Therefore, the transformation of an analog document into an electronic document does not convert materially defective information into accurate information.

This finding is consistent with Sommer and de Vries (2023), who regard land registers as administrative artefacts shaped by law, technology, data categories, and institutional practices. A register is not a neutral mirror that automatically reflects the reality of ownership. The information contained within it is the product of processes of collection, verification, classification, and decision-making. When those processes are inaccurate, an electronic system merely accelerates the reproduction of errors. Fayyad and Al-Sinnawi's (2023) findings concerning sporadic registration also demonstrate that the quality of evidence, costs, institutional capacity, and public participation substantially determine the success of land registration.

Based on this analysis, the principal causes of tension among justice, utility, and legal certainty may be classified into four factors. First, the publication system affords evidentiary force to certificates without rendering them absolute. Second, land data still originate from documents and measurements of varying quality. Third, authority for examination and dispute resolution is distributed among PPATs, land offices, regional governments, the police, general courts, religious courts, and State Administrative Courts. Fourth, significant inequalities remain in the ability of members of society to access formal

procedures and understand the risks of privately executed transactions.

The third scientific finding of this research is that legal certainty in land matters must be understood as verified certainty, rather than merely documentary certainty. Documentary certainty relies only on the existence of a deed or certificate. In contrast, verified certainty requires that data concerning the subject, object, authority, underlying title, and history of transfers have been examined through accountable procedures. This concept does not diminish the legal status of certificates but strengthens them through validation before and after issuance.

To establish verified certainty, preventive measures must be strengthened. Before a transfer is conducted, PPATs must apply standardized examinations concerning identity, authority to act, marital status, approval from relevant parties, seizure status, security rights, conformity with land-use requirements, transfer history, and physical possession. Land offices must provide verification mechanisms that generate current and accountable information. In relation to unregistered land, investigations concerning the underlying title, boundaries, witnesses, possession, and potential objections must be conducted transparently.

Data integration must also be strengthened. The land-administration system should be proportionately connected with population data, civil-registration records, taxation data, spatial-planning information, security rights, judicial decisions, and blocking records. Integration does not mean that all data should be accessible without restriction. Rather, authorized officials must be able to obtain the information necessary to prevent transactions conducted by unauthorized persons. Early-warning systems concerning overlapping parcels, irregular data changes, the use of different identities, or repeated transactions within a short period should form part of electronic supervision.

At the repressive stage, correction and annulment mechanisms must have clear time limits, evidentiary standards, and divisions of authority. A certificate must not be annulled merely on the basis of a unilateral claim but must be supported by evidence of defects in authority, procedure, substance, or a relevant judicial decision. At the same time, a good-faith certificate holder who loses the right because of a State administrative error must have access to an effective remedial mechanism. In the absence of such a remedy, the entire risk of administrative error is imposed on members of society, even though they relied on data administered by the State.

Greater consistency in judicial decisions is also necessary. The Chamber Formulation concerning good-faith purchasers has provided more objective standards, but its application must continue to be evaluated to prevent substantial differences in the assessment of similar facts. Decisions concerning multiple certificates, privately executed transactions, inherited property, and document forgery should be developed into guidance that can be readily accessed by judges, PPATs, land offices, and the public.

Accordingly, the mechanism for transferring land rights in Indonesia remains a compromise between the protection of formal data and the protection of substantive rights. Such a compromise may be normatively maintained provided that it

is accompanied by rigorous preliminary examinations, integrated data, objective standards of good faith, measurable correction mechanisms, and remedies for injured parties. Without such reinforcement, the negative publication system with positive tendencies will continue to produce limited legal certainty and high dispute-resolution costs.

Overall, the research findings address the three research questions. First, the nature of the transfer of land rights constitutes a change in legal relationships possessing material, formal, administrative, hierarchical, and corrective characteristics. Second, the validity of a transfer is determined through the reconstruction of a chain of legitimacy encompassing the authority of the parties, the legal act or legal event, the evidence, registration, and good faith. Third, the existing mechanism produces relative certainty that must be balanced with justice and utility through the concept of verified certainty. The novelty of the analysis lies in the use of a layered model that does not assess ownership solely on the basis of a certificate but on the continuity of the entire process through which the right is created and registered.

IV. CONCLUSIONS

This research finds that the mechanism for transferring land rights in Indonesia constitutes a multilayered legal process determined not merely by the existence of an agreement or the physical delivery of land, but also by the fulfillment of material, formal, and administrative validity. Material validity concerns the authority of the party transferring the right, the legal capacity of the parties, the clarity of the object, the eligibility of the recipient as the subject of the right, and the absence of defects in consent or in the underlying title. Formal validity concerns the existence of legally required evidence, such as a Land Deed Official deed, auction minutes, or inheritance documents, whereas administrative validity is realized through the recording of changes to physical and juridical data at the land office. Therefore, the transfer of land rights cannot be understood merely as the transfer of physical possession but as a change in the legal relationship among the subject, object, type of right, and the authority attached to that right, which must be evidenced and publicized through the land registration system. The construction of positive law, legal doctrine, and judicial decisions demonstrates that the validity of a transfer of land rights is determined by the continuity of a chain of legitimacy encompassing the source of the rights holder's authority, the validity of the legal act or legal event, the accuracy of the evidence, procedural compliance, and the good faith of the parties. Authentic deeds and certificates occupy an important position as evidentiary instruments, but their existence cannot cure material defects that occurred at an earlier stage. Identity falsification, transfers conducted by unauthorized parties, the absence of consent from legally entitled parties, discrepancies in physical data, and procedural violations may cause a transfer and an issued certificate to lose their legal basis. In this context, courts serve as a corrective mechanism by examining the entire process through which the right was established rather than merely assessing the formal existence of a certificate. This research also finds that Indonesia's land registration system, which applies a negative

publication system with positive tendencies, produces relative legal certainty. A certificate creates a strong presumption regarding the accuracy of physical and juridical data but may still be challenged when evidence demonstrates legal defects in its issuance. On the one hand, this relative character is necessary to protect the true owner from forgery, unlawful occupation, and administrative errors. On the other hand, the possibility of challenging a certificate may reduce transactional stability when it is not accompanied by clear evidentiary standards and correction mechanisms. Accordingly, legal certainty in land matters should be directed toward the concept of verified certainty, namely certainty based not merely on the existence of documents but also on the examination of the subject, object, underlying title, authority, history of transfers, and registration process. The implications of the land-right transfer mechanism for justice, utility, and legal certainty reveal a tension between the protection of certificate holders and the protection of substantive owners. Absolute protection for certificate holders may disadvantage parties who lose their land through forgery or administrative error, whereas overly broad protection for substantive ownership claims may undermine the publicity function of certificates and reduce the reliability of the land registration system. The balance among these three legal values must be determined on the basis of the quality of the underlying title, the authority of the parties, the degree of due diligence exercised, good faith, actual possession, and compliance with legal procedures. The conceptual finding of this research confirms that fair legal protection can be achieved only when formal certainty is supported by material truth and accountable land administration. Overall, the layered analytical model developed in this research demonstrates that the level of protection afforded to a transfer of land rights is determined by the interrelationship among normative validity, evidentiary force, registration, and legal-protection mechanisms. A transfer that is materially valid, supported by accurate documents, and duly registered receives the strongest level of protection. A transfer that is materially valid but remains unregistered provides only limited protection against third parties. Conversely, a registered transfer containing material defects may still be annulled. Thus, a certificate is not the sole source of the validity of a right but the final outcome of a legal process in which every stage must satisfy the applicable validity requirements. The Government, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, should direct land-administration reform toward the establishment of a verified-certainty system. This may be achieved by strengthening examinations of underlying titles, the identities and authority of the parties, transfer histories, parcel boundaries, physical possession, and the conformity between documentary data and actual conditions before changes to registered data are recorded. The digitalization of land services must be accompanied by the cleansing, verification, and reconciliation of historical data so that electronic systems do not merely transfer errors from conventional documents into digital databases. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency should also strengthen the integration of the land-administration system with population data, civil registration, taxation, spatial planning, security rights, blocking information,

and judicial decisions. Such integration is necessary to detect the use of incorrect identities, transactions conducted by unauthorized parties, disputed objects, overlapping parcels, and irregular changes to registered data. Its implementation must nevertheless continue to observe personal-data protection, access restrictions, system security, and the accountability of officials using such information. Land Deed Officials should apply the principle of due diligence through more standardized and properly documented examination procedures. The examination should not be limited to administrative completeness but should also include the seller's authority, marital status, the consent of a spouse or heirs, the conformity of certificate data with the land register, the status of seizures and security rights, the existence of disputes, and actual possession of the object. Any indication of inconsistency or irregularity should provide grounds for postponing the preparation of the deed until material accuracy can be established. The strengthening of these obligations should be accompanied by appropriate supervision, professional guidance, and proportionate sanctions for violations of official duties. The Government should expand legal education and assistance concerning land matters, particularly regarding the risks of privately executed land sale and purchase transactions, the importance of examining the legal status of land, the distinction between transfers arising from legal acts and inheritance, and the obligation to register transfers. Educational programs should be conducted continuously through land offices, regional governments, village governments, PPAT professional organizations, universities, and legal-aid institutions. Assistance should also be directed toward communities facing limitations in access, financial capacity, or legal literacy so that formal procedures do not become a source of structural injustice. The mechanisms for dispute resolution and certificate annulment should be clarified through a consistent division of authority, evidentiary standards, and time limits for resolving cases. The relationship among administrative proceedings within the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, civil litigation, religious-court proceedings, criminal proceedings, and State Administrative Court proceedings should be coordinated so that a single dispute does not produce conflicting decisions. In addition, good-faith certificate holders who lose their rights as a result of State administrative errors should have access to effective restoration or compensation mechanisms, thereby ensuring that the risks arising from registration errors are not borne entirely by members of society. The Supreme Court and other judicial bodies should continue to strengthen consistency in applying the criteria for good-faith purchasers and in assessing cases involving multiple certificates, transfers of inherited property, privately executed land transactions, and certificate annulment. Decisions that have established important legal principles should be compiled in a thematic database that is readily accessible to judges, PPATs, land offices, academics, and the public. This measure is necessary to ensure that land law provides not only certainty at the normative level but also consistency in its application and enforcement. Future research may examine the implementation of the verified-certainty concept through empirical legal studies conducted at land offices, PPAT offices, and courts in several

regions. Further studies are also required to assess the effectiveness of electronic certificates, the quality of data integration, patterns of certificate annulment, consistency in the protection of good-faith purchasers, and forms of State accountability when land-administration errors cause losses to members of society. Such empirical research is expected to complement the normative findings of this study and provide a foundation for developing land policies that are more measurable, equitable, and responsive.

REFERENCES

- [1] Bekasi District Court. (2021). *Decision Number 226/Pdt.G/2021/PN Bks.*
- [2] Bowen, G. A. (2009). Document analysis as a qualitative research method. *Qualitative Research Journal*, 9(2), 27–40. <https://doi.org/10.3316/QRJ0902027>
- [3] Destriana, A., & Allagan, T. M. P. (2022). The role of Land Deed Officials in land administration through electronic land certificates. *Pakuan Law Review*, 8(1), 91–106. <https://doi.org/10.33751/palar.v8i1.4590>
- [4] Fatih, A. M., & Putra, M. F. M. (2022). Document forgery by Land Deed Officials: A review of land ownership rights arising from deeds of grant. *Kertha Semaya Law Journal*, 10(8), 1957–1969. <https://doi.org/10.24843/KS.2022.v10.i08.p20>
- [5] Fayyad, M., & Al-Sinnawi, A. R. (2023). Challenges of sporadic land registration in Palestine. *Land Use Policy*, 131, Article 106723. <https://doi.org/10.1016/j.landusepol.2023.106723>
- [6] Ghaniyyu, F. F., Pujiwati, Y., & Rubiati, B. (2022). Legal certainty in the conversion of conventional certificates into electronic certificates and their protection as evidentiary instruments. *USM Law Review Journal*, 5(1), 172–187. <https://doi.org/10.26623/julr.v5i1.4553>
- [7] Hadi, S. (2024). The influence of *Theorie von Stufenbau der Rechtsordnung* in the Indonesian legal system. *DiH: Journal of Legal Studies*, 20(2), 202–210. <https://doi.org/10.30996/dih.v20i2.10989>
- [8] Hadjon, P. M. (1987). *Legal protection for the people of Indonesia: A study of its principles, its administration by courts within the general judiciary, and the establishment of State administrative courts*. Bina Ilmu Press.
- [9] Herdarezki, N. M. (2021). The positive land publication system: A breakthrough in achieving legal certainty in land registration. *Land Affairs Journal*, 11(2), 127–135. <https://doi.org/10.53686/jp.v1i2.88>
- [10] Hermawan, P. K., & Putra, M. F. M. (2022). Legal protection for good-faith purchasers in privately executed transfers of land rights: A case study of Bekasi District Court Decision Number 226/Pdt.G/2021/PN Bks. *Pakuan Law Review*, 8(1), 432–445. <https://doi.org/10.33751/palar.v8i1.5001>
- [11] Hutchinson, T. (2015). The doctrinal method: Incorporating interdisciplinary methods in reforming the law. *Erasmus Law Review*, 8(3), 130–138. <https://doi.org/10.5553/ELR.000055>

- [12] Hutchinson, T., & Duncan, N. (2012). Defining and describing what we do: Doctrinal legal research. *Deakin Law Review*, 17(1), 83–119. <https://doi.org/10.21153/dlr2012vol17nolart70>
- [13] Isnaini, H., & Wanda, H. D. (2018). The principle of due diligence for Land Deed Officials in the transfer of uncertified land. *IUS QUIA IUSTUM Law Journal*, 24(3), 467–487. <https://doi.org/10.20885/iustum.vol24.iss3.art7>
- [14] Kelsen, H. (1967). *Pure theory of law* (M. Knight, Trans.). University of California Press.
- [15] Keumala, D. (2023). The dialectic of notary inheritance deed arrangement. *Yuridika*, 38(1), 143–158. <https://doi.org/10.20473/ydk.v38i1.37787>
- [16] Kusmiarto, K., Aditya, T., Djurdjani, D., & Subaryono. (2021). Digital transformation of land services in Indonesia: A readiness assessment. *Land*, 10(2), Article 120. <https://doi.org/10.3390/land10020120>
- [17] Mahfud, M. A., & Chin Chin, S. (2024). Incongruence in the definition of land rights in national agrarian law: A path to legal uncertainty. *Law Reform*, 20(1), 22–33. <https://doi.org/10.14710/lr.v20i1.49047>
- [18] Marzuki, P. M. (2022). The essence of legal research is to resolve legal problems. *Yuridika*, 37(1), 37–58. <https://doi.org/10.20473/ydk.v37i1.34597>
- [19] Ministry of Agrarian Affairs and Spatial Planning/National Land Agency of the Republic of Indonesia. (2021). *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 1 of 2021 concerning electronic certificates*. State Gazette of the Republic of Indonesia Year 2021 Number 12.
- [20] Ministry of Agrarian Affairs and Spatial Planning/National Land Agency of the Republic of Indonesia. (2023). *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2023 concerning the issuance of electronic documents in land registration activities*. State Gazette of the Republic of Indonesia Year 2023 Number 461.
- [21] Ministry of Agrarian Affairs and Spatial Planning/National Land Agency of the Republic of Indonesia. (2025, January 1). *The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency reports handling 2,161 land cases throughout 2024*. <https://kab-kuningan.atrbpn.go.id/berita/kementerian-atrbpn-ungkap-tangani-2161-kasus-tanah-sepanjang-2024>
- [22] Negara, T. A. S. (2023). Normative legal research in Indonesia: Its origins and approaches. *Audito Comparative Law Journal*, 4(1), 1–9. <https://doi.org/10.22219/aclj.v4i1.24855>
- [23] Putrisasmita, G. (2023). The position of the Complete Systematic Land Registration Program within the framework of agrarian reform to achieve legal certainty in Indonesian land law. *LITRA: Journal of Environmental, Spatial Planning, and Agrarian Law*, 3(1), 18–36. <https://doi.org/10.23920/litra.v3i1.1466>
- [24] Rachmawati, F. A., Choirinnisa, S. A., & Latif. (2021). Integrated land registration system: Between legal certainty and challenges—Case of Semarang City. *Indonesian Journal of Advocacy and Legal Services*, 3(2), 217–232. <https://doi.org/10.15294/ijals.v3i2.45895>
- [25] Radbruch, G. (1950). Legal philosophy. In K. Wilk (Trans.), *The legal philosophies of Lask, Radbruch, and Dabin* (pp. 43–224). Harvard University Press.
- [26] Radbruch, G. (2006). Five minutes of legal philosophy (1945) (B. Litschewski Paulson & S. L. Paulson, Trans.). *Oxford Journal of Legal Studies*, 26(1), 13–15. <https://doi.org/10.1093/ojls/gqi042>
- [27] Republic of Indonesia. (1847). *Indonesian Civil Code*. Staatsblad Year 1847 Number 23.
- [28] Republic of Indonesia. (1945). *The 1945 Constitution of the Republic of Indonesia*.
- [29] Republic of Indonesia. (1960). *Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles*. State Gazette of the Republic of Indonesia Year 1960 Number 104, Supplement to the State Gazette of the Republic of Indonesia Number 2043.
- [30] Republic of Indonesia. (1997). *Government Regulation Number 24 of 1997 concerning Land Registration*. State Gazette of the Republic of Indonesia Year 1997 Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 3696.
- [31] Republic of Indonesia. (1998). *Government Regulation Number 37 of 1998 concerning the Regulation of the Office of Land Deed Officials*. State Gazette of the Republic of Indonesia Year 1998 Number 52, Supplement to the State Gazette of the Republic of Indonesia Number 3746.
- [32] Republic of Indonesia. (2016). *Government Regulation Number 24 of 2016 concerning the amendment to Government Regulation Number 37 of 1998 concerning the Regulation of the Office of Land Deed Officials*. State Gazette of the Republic of Indonesia Year 2016 Number 120, Supplement to the State Gazette of the Republic of Indonesia Number 5893.
- [33] Republic of Indonesia. (2021). *Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration*. State Gazette of the Republic of Indonesia Year 2021 Number 28, Supplement to the State Gazette of the Republic of Indonesia Number 6630.
- [34] Silviana, A., & Fuadi, A. (2023). Legal policy on the use of heir certificates for the registration of transfers of land rights in Indonesia. *Law Reform*, 19(2), 294–320. <https://doi.org/10.14710/lr.v19i2.52626>
- [35] Sommer, F., & de Vries, W. T. (2023). Values and representations in land registers and their legal, technical, and social effects on land rights as an administrative artefact. *Land Use Policy*, 135, Article 106946. <https://doi.org/10.1016/j.landusepol.2023.106946>
- [36] Sukadi, I., Harry, M., Setyobudi, T., Sinal, M., & As-Suvi, A. Q. (2024). Legal politics of electronic land certificates in Indonesia. *USM Law Review Journal*, 7(3), 1323–1338. <https://doi.org/10.26623/julr.v7i3.9625>
- [37] Supreme Court of the Republic of Indonesia. (2014). *Supreme Court Circular Letter Number 5 of 2014 concerning the implementation of the formulations*

adopted at the 2014 Supreme Court Chamber Plenary Meeting as guidelines for the performance of judicial duties.

- [38] Supreme Court of the Republic of Indonesia. (2016). *Supreme Court Circular Letter Number 4 of 2016 concerning the implementation of the formulations adopted at the 2016 Supreme Court Chamber Plenary Meeting as guidelines for the performance of judicial duties.*
- [39] Supreme Court of the Republic of Indonesia. (2024). *Compilation of formulations adopted at the plenary meetings of the chambers of the Supreme Court of the Republic of Indonesia* (10th ed.). Office of the Registrar of the Supreme Court of the Republic of Indonesia.
- [40] Wahid, A., & Sulistiyono, A. (2025). Justification for the establishment of a land court in Indonesia: Realizing justice in land dispute resolution. *Legal Issues*, 54(2), 179–213. <https://doi.org/10.14710/mmh.54.2.2025.179-213>
- [41] Widiyono, T., & Khan, M. Z. K. (2023). Legal certainty in land rights acquisition under Indonesia's national land law. *Law Reform*, 19(1), 128–147. <https://doi.org/10.14710/lr.v19i1.48393>
- [42] Wijayanti, T., Muryanto, Y. T., & Darori, M. I. (2021). Comparison of the transfer of land rights based on deeds describing inheritance rights. *Law Reform*, 17(1), 121–134. <https://doi.org/10.14710/lr.v17i1.37558>