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DOI: 10.46924/jihk.v7i.2.386

Legal Status of Duplicate Land Certificates and Mechanisms for Their Resolution Under the National Land Law System

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How to cite

Christopher, Michael., & Djaja, Benny. 2026. Legal Status of Duplicate Land Certificates and Mechanisms for Their Resolution Under the National Land Law System. *Jurnal Ilmu Hukum Kyadire*. 7(2), 1249-1261.
<https://doi.org/10.46924/jihk.v7i.2.386>

Original Article

Abstract

This study examines the legal status of duplicate land certificates for the same parcel and the mechanisms available for resolving such issues within the Indonesian land law system. Employing a normative juridical method with statutory, conceptual, and case-study approaches, the study evaluates the validity of certificate issuance, procedural compliance, and the evidentiary basis used to determine the rightful owner. The findings show that duplicate certificates typically arise from inconsistencies between physical and legal records, procedural irregularities, or unlawful actions during the land registration process. Resolution may be pursued through administrative procedures at the National Land Agency (BPN) or through litigation in administrative, civil, or criminal courts. Administrative procedures enable the correction or annulment of certificates issued with procedural defects, whereas litigation provides legal certainty in disputes over substantive rights or allegations of forgery. The study underscores the need for greater integrity in the certificate issuance process, as well as enhanced coordination and law enforcement to prevent the occurrence of duplicate certificates.

Keywords: *Duplicate Certificates, Land Registration, Administrative Law, Legal Certainty, Dispute Resolution.*

Abstrak

Penelitian ini menganalisis kedudukan hukum sertifikat ganda atas objek tanah yang sama serta mekanisme penyelesaiannya dalam sistem hukum pertanahan Indonesia. Dengan metode yuridis normatif melalui pendekatan perundang-undangan, konseptual, dan studi putusan, penelitian menilai keabsahan penerbitan sertifikat, kepatuhan prosedural, dan dasar pembuktian dalam menentukan pihak yang berhak. Temuan menunjukkan bahwa sertifikat ganda biasanya muncul akibat ketidaksesuaian data fisik dan yuridis, kesalahan prosedural, atau perbuatan melawan hukum dalam pendaftaran tanah. Penyelesaiannya ditempuh melalui mekanisme administratif di BPN atau litigasi di peradilan tata usaha negara, perdata, dan pidana. Administratif memungkinkan koreksi atau pembatalan sertifikat cacat prosedur, sedangkan litigasi memberikan kepastian hukum terhadap sengketa hak substantif atau dugaan pemalsuan. Penelitian menegaskan pentingnya integritas proses penerbitan serta penguatan koordinasi dan penegakan hukum untuk mencegah sertifikat ganda.

Kata kunci: *Sertifikat Ganda, Pendaftaran Tanah, Mekanisme Administratif, Kepastian Hukum, Penyelesaian Sengketa.*

1. INTRODUCTION

Land holds a highly strategic position in Indonesian society from economic, social, and political standpoints.¹ Ownership of land is often regarded as an indicator of prosperity and social stability. Consequently, the state is vested with the authority to regulate, manage, and oversee land relations in a fair manner, as mandated by Article 33(3) of the 1945 Constitution. To ensure legal certainty for rights holders, Indonesia has developed a land registration system designed to clarify the subjects, objects, and legal status of land rights, thereby providing protection against competing claims or external interference.²

Land registration is comprehensively governed by Law No. 5 of 1960 on Basic Agrarian Principles (UUPA), further elaborated through Government Regulation No. 24 of 1997. Under this framework, the state is required to accurately document both the physical and legal data of land as the basis for issuing certificates.³ Land certificates serve as strong evidence of title. In practice, they are regarded as reliable documents because they are issued by an authorized government body, the Land Office. However, this evidentiary strength may be undermined when another certificate is issued for the same parcel of land.⁴

The emergence of duplicate certificates occurs when two or more certificates are issued for the same parcel of land. Such circumstances generate legal uncertainty and may lead to prolonged disputes among certificate holders. The causes vary, including administrative mistakes, official negligence, incomplete records, overlapping measurements, and fraudulent practices by land syndicates that falsify or manipulate land documents. The issuance of duplicate certificates undermines the fundamental purpose of the land registration system, which is intended to provide legal certainty. When conflicting certificates arise, the courts, the National Land Agency (BPN), and the public face difficulty in determining which certificate carries stronger legal authority.⁵

In several instances, duplicate certificates place bona fide landowners at a disadvantage. They may lose access to their land despite holding an officially issued certificate. These disputes often take years to resolve, and the lengthy, costly legal

¹ Gracia Putri, Jessica Fionita, and Juan Matheus, "Lelang Eksekusi Kepailitan Atas Tanah Dan Bangunan Yang Dimiliki Bersama Oleh Pihak Ketiga Dan Debitur Pailit," *Jurnal Supremasi* 14, no. 2 (September 20, 2024): 1–15, <https://doi.org/10.35457/supremasi.v14i2.3810>.

² Boedi Harsono, *Hukum Agraria Indonesia Himpunan Peraturan-Peraturan Hukum Tanah* (Jakarta: Djambatan, 2008), Hal. 72.

³ Maria S. W. Sumardjono, *Kebijakan Pertanahan : Antara Regulasi Dan Implementasi* (Jakarta: Kompas, 2005), hal. 44.

⁴ Christina Sri Murni and Sumirahayu Sulaiman, "Sertifikat Hak Milik Atas Tanah Merupakan Tanda Bukti Hak Kepemilikan Tanah," *Lex Librum: Jurnal Ilmu Hukum* 8, no. 2 (2022): 183–98, <https://doi.org/10.46839/lljh.v8i2.370>.

⁵ Fredy, Baso Madiong, and Andi Tira, "Analisis Pelaksanaan Tanggung Jawab Kantor Pertanahan Kabupaten Mamuju Tengah Atas Terjadinya Sengketa Tanah Yang Bersertifikat Ganda," *Indonesian Journal of Legality of Law* 7, no. 2 (2025): 189–201, <https://doi.org/10.35965/ijlf.v7i2.6092>.

process leaves marginalized communities in a weak position when confronted with parties possessing greater financial or political influence. The BPN, as the administrative authority responsible for land affairs, plays an essential role in preventing and addressing issues related to duplicate certificates.⁶ However, limitations in data, inadequate oversight, and bureaucratic constraints often hinder its optimal performance. Courts, meanwhile, hold the authority to annul certificates deemed legally defective, although judicial decisions are not always consistent and may lead to varying interpretations in land administration practices.

The government's Complete Systematic Land Registration Program (PTSL) seeks to achieve nationwide integration of land data. Digitization is expected to substantially reduce the risk of issuing duplicate certificates. Nevertheless, technology alone cannot resolve the problem. Without integrity among officials, adherence to procedural standards, and effective institutional coordination, even the most advanced system cannot fully eliminate the possibility of duplicate certificates. This issue not only affects landowners but also undermines public confidence in the government. When state-issued certificates can be contested, the foundation of legal certainty becomes uncertain.⁷

From the perspective of agrarian law, duplicate certificates represent an administrative or procedural defect. However, the matter may escalate into civil or criminal disputes when elements of fraud or document falsification are present.⁸ Thus, a thorough examination is required to determine how national land law governs the status of duplicate certificates and the mechanisms available for resolving them through administrative, civil, or criminal processes. Such analysis must also evaluate whether the existing land registration system effectively prevents duplicate certificates and, if not, identify necessary reforms in both regulatory design and implementation. In addition, harmonized efforts between central and regional governments and law enforcement are essential to ensure that all land data remains accurate, current, and synchronized.

Research on the legal status of dual title deeds is vital not only from a theoretical standpoint but also for offering practical recommendations to policymakers and the public to prevent future occurrences. Accordingly, this study aims to examine comprehensively the legal status of dual title deeds and the mechanisms for addressing them within the national land law framework, thereby contributing to the reinforcement of legal certainty in Indonesia. This introduction directs the research toward two central

⁶ Siti Maryam Nasir, "Tanggung Jawab Badan Pertanahan Nasional Dalam Penyelesaian Sertifikat Tanah Ganda Di Kabupaten Gorontalo," *Sinergi: Jurnal Riset Ilmiah* 1, no. 11 (2024): 1106–16, <https://doi.org/10.62335/fehfbr12>.

⁷ Permata Intan Maharani et al., "Kendala Serta Solusi Efektif Dalam Pelaksanaan Program Pendaftaran Tanah Sistematik Lengkap (PTSL) Di Era Digital," *Jurnal Ilmiah Penelitian Mahasiswa* 2, no. 6 (2024): 470–80, <https://doi.org/10.61722/jipm.v2i6.589>.

⁸ Agus Salim, "Penyelesaian Sengketa Hukum Terhadap Pemegang Sertifikat Hak Milik Dengan Adanya Penerbitan Sertifikat Ganda," *Jurnal USM Law Review* 2, no. 2 (2019): 174–78, <https://doi.org/10.26623/julr.v2i2.2269>.

areas of inquiry: the legal status of dual title deeds for the same land parcel under national land law and the mechanisms available for resolving them through administrative, civil, and criminal channels. The analysis is expected to yield both theoretical insights and practical recommendations to improve the land registration system and mitigate future land disputes.

2. METODE PENELITIAN

This study employs a normative legal research method, which centers on examining norms, principles, and applicable positive legal rules related to the issue of dual certificates within the national land law system.⁹ The analysis is conducted through a statute approach, a conceptual approach, and a case approach that reviews relevant judicial decisions. This method is appropriate because the problem of dual certificates concerns legal validity, administrative procedures, and the evidentiary status of land certificates, thereby requiring an assessment of written legal provisions and established legal doctrines. The research draws on primary legal materials, including the Basic Agrarian Law (UUPA), Government Regulation No. 24 of 1997, and National Land Agency regulations on land registration. Secondary legal materials—such as books, journal articles, and scholarly works on land registration, legal certainty of land rights, and issues related to dual certificates—are also utilized. Data collection is carried out through a systematic literature review, followed by qualitative analysis to examine the relationship between legal norms, doctrines, and dispute resolution practices in both judicial and administrative settings. This study seeks to provide a deeper understanding of the legal status of dual certificates for the same parcel of land within the framework of the national land law system. By analyzing the legal foundations, administrative procedures for land registration, and the principle of legal certainty, this research aims to clarify how dual certificates are interpreted under Indonesian positive law and the factors contributing to conflicts between them.

3. RESULT AND DISCUSSION

3.1. Legal Standing of Duplicate Certificates for the Same Land Parcel Within the National Land Law Framework

Land title certificates are fundamentally administrative instruments that document the physical and legal attributes of a land parcel. Normatively, they are designed to ensure legal certainty. Accordingly, any examination of duplicate certificates must begin with an understanding of the certificate's function and legal character.¹⁰ From a sociological

⁹ Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi*, 19th ed. (Jakarta: Prenada Media Group, 2019).

¹⁰ Boedi Harsono, *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi Dan Pelaksanaannya* (Bandung: Djambatan, 1999).

standpoint, certificates function not only as legal documents but also as economic instruments that allow land to be used as loan collateral, investment capital, and a basis for land-use planning. When this certainty is disrupted—for instance, due to the issuance of duplicate certificates—the consequences extend beyond ownership issues and affect local economic development and public confidence in state administrative systems.¹¹ The issuance of a certificate involves several stages, including application, verification of the legal basis of the claim, land measurement, registration in the land book, and certificate issuance. A failure at any stage may result in flawed outcomes, such as overlapping or duplicate certificates.

From the perspective of state administrative law, certificates constitute state administrative decisions, and their validity depends on compliance with requirements of authority, procedure, and substantive accuracy. If any of these elements are breached, the administrative act may be declared invalid or revoked through the applicable legal mechanisms.¹² When two certificates are issued for the same land parcel, legal analysis focuses on evaluating the process through which each certificate was issued and determining the presence of administrative defects or unlawful conduct. This includes examining the chronology of issuance, the degree of procedural rigor, and the extent to which intentional misconduct or negligence contributed to the duplication. The position of a third party who acquires land rights in good faith is also a crucial consideration, as protecting such parties aligns with the principles of legal certainty and justice in land law.¹³ These considerations collectively guide the approach to dispute resolution, whether through administrative remedies within the land administration system or through civil and criminal proceedings when unlawful acts are implicated.

The principle of “first in time, first in right” is frequently applied as a guideline in determining the legal standing of two certificates issued for the same parcel of land. This principle maintains that the party who first acquires or registers the right generally holds a stronger legal position than a subsequent claimant, provided that the initial acquisition was lawful, satisfied administrative requirements, and was free from legal defects.¹⁴ Thus, the chronological order of issuance may serve as a basis for assessment only when the initial procedures are proven valid and compliant with regulatory standards. However, in agrarian law theory, this principle is not absolute; the first certificate may still be annulled if material defects—such as forgery, unlawful

¹¹ Mudakir Iskandar Syah, *Panduan Mengurus Sertifikat Dan Penyelesaian Sengketa Tanah* (Jakarta: Bhuana Ilmu Populer, 2019), hal. 120.

¹² Adrian Sutedi, *Sertifikat Hak Atas Tanah* (Jakarta: Sinar Grafika, 2014).

¹³ Muhammad Amin, Nurjannah Septyanun, and Yulias Erwin, “Perlindungan Hukum Terhadap Pembeli Beritikad Baik Pada Jual Beli Hak Atas Tanah,” *Collegium Studiosum Journal* 6, no. 2 (2023): 479–91, <https://doi.org/10.56301/csj.v6i2.1099>.

¹⁴ Andi Musitha, Felicitas Sri Marniati, and Amelia Nur Widyanti, “Perlindungan Hukum Terhadap Pemohon Akibat Tidak Diterapkannya Asas Contradicatoire Delimitatie Dalam Pendaftaran Tanah Pertama Kali Guna Pensertipikan Tanah,” *Citizen: Jurnal Ilmiah Multidisiplin Indonesia* 5, no. 2 (2025): 458–76, <https://doi.org/10.53866/jimi.v5i2.715>.

acquisition, or extinguishment of prior rights—are identified. Consequently, judges and National Land Agency officials cannot rely solely on chronology without examining the substantive process of issuance.

The principle of publicity within the land registration system is intended to prevent the issuance of duplicate certificates by making registration information accessible for public and institutional review. Yet technical challenges, including undigitized archives, unsynchronized maps, and weak data integration, diminish the effectiveness of this principle and allow the possibility of duplicate certificates to persist. Legally, duplicate certificates fall into two categories: cases in which both certificates are defective (for example, forged), and cases in which one certificate is procedurally valid while the other is defective. Each category requires a distinct evidentiary and remedial approach. Where both certificates are flawed, the focus is on criminal proceedings and cancellation, whereas when only one certificate is defective, the emphasis shifts to the annulment of the defective certificate and the restoration of the rights of the legitimate holder.¹⁵ Proof plays a central role in determining the nature of a duplicate certificate dispute. Typically, the party seeking cancellation must demonstrate defective issuance or the superior strength of another party's claim. However, the burden of proof may shift when the second certificate is issued with malicious intent. In such cases, land administration authorities and law enforcement may establish proof through internal audits, document examinations, and investigative processes.¹⁶

In disputes involving duplicate certificates, courts typically begin their review by examining the origins of each certificate. Judges evaluate the land register, measurement documents, and other materials supporting the issuance. Testimony from surveyors or land officials is often required to determine whether the issuance followed proper procedures or whether errors occurred at the outset.¹⁷ Through this examination, the court can distinguish certificates issued in accordance with lawful procedures from those resulting from negligence or administrative violations. Judicial assessment extends beyond formal requirements; the registration history, the thoroughness of legal verification, and the consistency of data between older and newer records are likewise considered. When administrative defects are identified—such as measurement inaccuracies, incomplete document verification, or issuance inconsistent with prior records—the certificate is generally deemed invalid. Conversely, a certificate whose issuance process can be substantiated is regarded as valid and carries stronger legal weight.

¹⁵ Salim, "Penyelesaian Sengketa Hukum Terhadap Pemegang Sertifikat Hak Milik Dengan Adanya Penerbitan Sertifikat Ganda."

¹⁶ Sumardjono, *Kebijakan Pertanahan : Antara Regulasi Dan Implementasi*.

¹⁷ Sutedi, *Sertifikat Hak Atas Tanah*.

Disputes over duplicate certificates often involve parties who acquired rights openly and without awareness of underlying issues in the land's history. In such cases, judges must uphold the principle of administrative validity while still considering the interests of good-faith purchasers. Numerous decisions reflect an effort to strike this balance: defective certificates are annulled, yet the losses suffered by innocent parties are taken into account to avoid creating new injustices.¹⁸ Based on the prevailing pattern of judicial decisions, courts consistently regard procedural validity as the principal determinant of a certificate's legitimacy. This approach corresponds with the certificate's character as an administrative act. Thus, the validity of a certificate depends significantly on the accuracy and completeness of the issuance process. If that process is flawed, the court retains sufficient grounds to invalidate the certificate, even if it has been used in subsequent transactions. This position underscores that legal certainty in land registration derives not merely from the existence of a certificate but from the integrity of the administrative process that produces it.¹⁹

Ultimately, the legal standing of a duplicate certificate is determined by the ability to demonstrate the legitimacy of the issuance process—whether it satisfies the principles of authority, procedural compliance, and administrative due diligence that underpin the land registration system. Courts recognize only certificates generated through proper procedures, while any deviation in the issuance process is sufficient to weaken or nullify their evidentiary value. This approach reinforces the notion that legal certainty in land matters depends fundamentally on the soundness of the administrative mechanisms that create and maintain certificate validity.

3.2. Mechanisms and Measures for Resolving Dual Certificate Disputes Under National Land Law Provisions

The resolution of disputes involving duplicate certificates within the national land law system is carried out through two principal channels recognized under Indonesian regulation: administrative mechanisms within the National Land Agency (BPN) and judicial proceedings as provided by statutory law. The administrative mechanism has a strong legal foundation in Law No. 5 of 1960 on Basic Agrarian Regulations (UUPA), which affirms the government's responsibility to administer land registration to ensure legal certainty. This mandate empowers BPN to review physical and legal data, correct procedural defects, and address land registration disputes at the administrative level. In addition, Ministerial Regulation No. 9 of 1999 explicitly authorizes land officials to

¹⁸ Sabio Astroman Saragih, Rosnidar Sembiring, and Henry Sinaga, "Perlindungan Hukum Bagi Pemegang Sertifikat Hak Milik Atas Tanah Dalam Kasus Sengketa Sertifikat Ganda (Studi Kasus Putusan Ma Nomor 309 Pk/Pdt/2021)," *Rewang Rancang: Jurnal Hukum Lex Generalis* 6, no. 9 (2025): 1–34, <https://doi.org/10.56370/jhlg.v6i9.1666>.

¹⁹ Yuliana, "Pelaksanaan Pembatalan Sertifikat Hak Atas Tanah Karena Cacat Administrasi Dan Putusan Pengadilan Di Kabupaten Lombok Timur," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 2 (2023): 2031–44, <https://doi.org/10.37680/almanhaj.v5i2.3927>.

revoke certificates when their issuance is proven to contain administrative defects.²⁰ Administrative settlement constitutes the primary avenue available to the parties prior to seeking judicial remedies, as land certificates are administrative products of the Land Office and errors in their issuance may be rectified by authorized officials. This administrative framework operates under the principle of *contrarius actus*, which provides that the authority issuing a decision also possesses the authority to revoke it when procedural flaws are identified.²¹

Under Government Regulation No. 24 of 1997, the National Land Agency is empowered to re-examine physical and legal data when indications of overlapping certificates arise. Such examination may include remeasuring the parcel, reviewing registration maps, and summoning the parties for clarification. This process often represents the initial phase of dispute resolution before the matter escalates into litigation. Empirical studies indicate that many duplicate certificate disputes originate from inconsistencies in physical data, such as measurement errors or outdated registration maps. Accordingly, administrative review plays a vital role in distinguishing between procedural and substantive defects. BPN's assessment commonly involves technical teams to ensure the accuracy of measurements.

Furthermore, administrative review also encompasses the examination of legal data, including land acquisition histories, deeds of sale and purchase, inheritance records, grants, and other documents forming the basis of registration. Discrepancies between legacy archives and digital records frequently contribute to the emergence of duplicate certificates. Studies indicate that the integration of land archives continues to face structural challenges. When it is found that a certificate was issued without adherence to proper procedures—such as the absence of a 14-day public notice or failure to verify documents with the village head—the National Land Agency (BPN) may annul the certificate through a written decision. Although such administrative cancellation is final within BPN's internal framework, it may still be contested before the State Administrative Court (PTUN) by parties who dispute the outcome. In some instances, issues of duplicate certificates arise not only from procedural irregularities but also from overlapping claims of ownership.²² In these circumstances, BPN may facilitate mediation between the parties to achieve a compromise. Administrative mediation has proven effective, particularly in boundary disputes or intra-family claims;

²⁰ A. Sultan Sulfian, "Optimalisasi Peran Badan Pertanahan Nasional Dalam Menyelesaikan Sengketa Agraria Melalui Jalur Mediasi," *Ekspos: Jurnal Penelitian Hukum Dan Pendidikan* 24, no. 1 (2025): 151–61, <https://doi.org/10.30863/ekspose.v24i1.10329>.

²¹ Jhonson Datmalem Siahaan, Edi Ikhsan, and Rudy Haposan Siahaan, "Perlindungan Hukum Terhadap Bank Sebagai Kreditur Pemegang Hak Tanggungan Atas Sertifikat Hak Milik Yang Telah Dibatalkan Oleh Pengadilan Dan Sudah Berkekuatan Hukum Tetap (Studi Putusan Nomor 31 K/TUN/2020)," *Jurnal Intelek Insan Cendekia* 1, no. 9 (2024): 4758–71.

²² Riska Kurnia Ningsih and Hadi Tuasikal, "Tantangan Dan Solusi Dalam Implementasi Sebagai Alternatif Penyelesaian Sengketa Tanah," *Journal of Dual Legal System* 2, no. 1 (2025): 70–89, <https://doi.org/10.58824/jdls.v2i1.323>.

however, it has limitations when parties do not act in good faith or reject the results of BPN's verification. When this occurs, administrative mechanisms cease, and the matter must be directed to litigation—a development consistent with the fact that substantive land rights disputes often require judicial determination.²³

Land administration modernization through the Complete Systematic Land Registration (PTSL) program and the digitization initiatives of the Ministry of Agrarian Affairs and Spatial Planning have significantly improved land data; however, research shows that the transition from manual archives to digital systems still allows room for new overlaps.²⁴ This underscores the continued importance of BPN's administrative role in preventing duplicate titles through improved database management. The effectiveness of administrative resolution depends on transparency, personnel integrity, and the accuracy of land data. Research demonstrates that weak internal oversight frequently creates opportunities for unprofessional conduct and even collusion, which contribute to the issuance of duplicate certificates. Strengthening administrative procedures is therefore essential to resolving and preventing such cases.

Overall, administrative resolution provides a rapid, cost-effective, and preventive means of addressing conflicts involving duplicate land titles. Nonetheless, when disputes concern the validity of rights or involve allegations of criminal behavior, administrative measures become insufficient. In such situations, disputes must proceed to litigation to obtain binding legal certainty *erga omnes*.²⁵ Litigation involving duplicate certificates may occur in three domains: administrative litigation before the State Administrative Court (PTUN), civil litigation before the District Court, and criminal proceedings through investigation and trial. The appropriate litigation avenue depends on the nature of the violation and the issues in dispute.

Administrative litigation is pursued when the dispute concerns the legality of a land official's actions in issuing a certificate. At the State Administrative Court (PTUN), the judge examines the authority, procedural compliance, and substantive grounds underlying the issuance.²⁶ If administrative defects are found, PTUN may annul the certificate through a decision that applies generally. Civil litigation, by contrast, is initiated when the core issue pertains to the rightful holder of the land rights. In such cases, the judge evaluates both formal and substantive evidence, including physical possession, ownership history, and the good faith of the parties. Claims may involve

²³ Yuyun, Saifun Nufus, and Sigit Kamseno, "Peran Kepala Desa Teluk Terate Dalam Penyelesaian Perselisihan Sengketa Tanah : Berdasarkan Undang-Undang Nomor 6 Tahun 2014 Tentang Desa Jo Peraturan Menteri Agraria Dan Tata Ruang/ Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 21 Tahun 2020 , " *Al-Zayn Jurnal Ilmu Sosial Dan Hukum* 3, no. 6 (2025): 8404–18, <https://doi.org/10.61104/alz.v3i6.2553>.

²⁴ Arditya Wicaksono, Yudha Purbawa, and Romi Nugroho, *Transformasi Pelayanan Pertanahan Di Indonesia (Konsep, Ide, Dan Tantangan Layanan Digital)* (Bogor: Puslitbang ATR/BPN Press, 2021), hal. 171.

²⁵ Rini Fitriani et al., "Tinjauan Kepastian Hukum Terhadap Hasil Kesepakatan Perdamaian Dalam Mediasi Di Luar Pengadilan," *Recht Studiosum Law Review* 3, no. 1 (2024): 50–57, <https://doi.org/10.32734/rslr.v3i1.15935>.

²⁶ Azis Akbar Ramadhan, "Sengketa Kompetensi Absolut Pengadilan Negeri Dan Pengadilan Tata Usaha Negara Terkait Dengan Perkara Sengketa Pertanahan," *Journal of Mandalika Literature* 6, no. 1 (2025): 264–78, <https://doi.org/10.36312/jml.v6i1.3993>.

certificate annulment, unlawful acts, or compensation. Academic studies indicate that courts often consider the principle of “first in time, first in right” when determining certificate validity, although the principle is not absolute.²⁷ Judges may disregard an earlier certificate if it is proven defective or issued through an invalid process. Civil proceedings also allow the application of good-faith protection, enabling courts in certain circumstances to award compensation, restitution, or other remedies to good-faith holders even when a certificate is cancelled.

In the criminal law context, prosecution is undertaken when there are indications of document forgery, fraud, manipulation of measurement maps, or collusion between land officials and other parties. These offenses are governed by the Criminal Code (KUHP) and sectoral regulations. Criminal enforcement serves both repressive and preventive functions in combating land-related fraud. However, the evidentiary burden in criminal cases is significantly higher than in administrative or civil proceedings; intent, forgery, or abuse of authority must be proven rigorously. Numerous criminal land cases fail to proceed due to insufficient evidence or missing key documents.²⁸

Coordination among Land Deed Officials (PPAT), the National Land Agency (BPN), and law enforcement authorities frequently poses challenges in litigating dual certificate disputes. Limited data integration between institutions slows the evidentiary process and increases the risk of misinterpretation. Although litigation is often the final recourse, it offers the advantage of binding decisions and provides definitive legal certainty. As such, litigation remains essential, particularly for substantive disputes that cannot be resolved through administrative measures or when parties do not act in good faith. The mechanism for resolving dual certificate disputes under national land law rests on the complementary relationship between administrative authority and judicial processes. Land administration functions as the initial safeguard for restoring order in land registration, whereas the courts ensure legal certainty where disputes exceed the scope of administrative correction. Together, these mechanisms demonstrate that the resolution of dual certificate disputes relies not only on legal instruments but also on the diligence of land administration officials and the consistency of judicial institutions in upholding legal standards. This multi-layered approach ultimately determines whether disputes are resolved fairly and provide certainty for rights holders.

4. CONCLUSION

Disputes involving duplicate land titles generally stem from inconsistencies in physical and legal data, procedural errors, or unlawful conduct by individuals or external actors

²⁷ Saragih, Sembiring, and Sinaga, “Perlindungan Hukum Bagi Pemegang Sertifikat Hak Milik Atas Tanah Dalam Kasus Sengketa Sertifikat Ganda (Studi Kasus Putusan Ma Nomor 309 Pk/Pdt/2021).”

²⁸ Roby Sasongko, Wahyu Prawesthi, and Bahrul Amiq, “Tindak Pidana Pemalsuan Surat Atau Dokumen Dalam Penerbitan Sertifikat Hak Milik Atas Tanah,” *Jurnal Fundamental Justice* 6, no. 1 (2025): 85–100, <https://doi.org/10.30812/fundamental.v6i1.4928>.

involved in the land registration process. The Indonesian land law system provides two resolution pathways with firm normative foundations: administrative settlement through mechanisms within the National Land Agency (BPN), based on the Basic Agrarian Law (UUPA), Government Regulation No. 24 of 1997, and Regulation of the Minister of Agrarian Affairs/Head of BPN No. 9 of 1999, and judicial settlement through the State Administrative Court (PTUN), civil courts, and criminal courts. The legal standing of a duplicate land title is determined by the validity of its issuance, adherence to procedural requirements, and the strength of evidence demonstrating the rightful holder. Accordingly, the Indonesian legal framework offers a structurally comprehensive mechanism for evaluating and resolving disputes involving duplicate land titles.

To reinforce legal certainty and reduce the occurrence of duplicate titles in the future, improvements in the quality of land administration are necessary through data digitization, updated base maps, and strengthened internal oversight within BPN to minimize procedural errors. At the same time, coordination between administrative and judicial channels must be enhanced, particularly in implementing court decisions, to avoid generating new conflicts during the resolution process. Furthermore, capacity building for land administration personnel and stricter enforcement against fraud and land mafia activities are essential to create a meaningful deterrent effect. Through these measures, Indonesia's land law system is expected to provide increasingly effective, equitable, and enduring legal protection for all citizens.

REFERENCES

Journals

Amin, Muhammad, Nurjannah Septyanun, dan Yulias Erwin. "Perlindungan Hukum Terhadap Pembeli Beritikad Baik Pada Jual Beli Hak Atas Tanah." *Collegium Studiosum Journal* 6, no. 2 (2023): 479–91.
<https://doi.org/10.56301/csj.v6i2.1099>.

Fitriani, Rini, M. Iqbal Asnawi, Arman Muis, Fatimah, dan Enny Mirfa. "Tinjauan Kepastian Hukum Terhadap Hasil Kesepakatan Perdamaian dalam Mediasi di Luar Pengadilan." *Recht Studiosum Law Review* 3, no. 1 (2024): 50–57.
<https://doi.org/10.32734/rslr.v3i1.15935>.

Fredy, Baso Madiong, dan Andi Tira. "Analisis Pelaksanaan Tanggung Jawab Kantor Pertanahan Kabupaten Mamuju Tengah Atas Terjadinya Sengketa Tanah Yang Bersertifikat Ganda." *Indonesian Journal of Legality of Law* 7, no. 2 (2025): 189–201. <https://doi.org/10.35965/ijlf.v7i2.6092>.

Maharani, Permata Intan, Davina Nurfadilah, Aprilia Niravita, dan Muhammad Adymas Hikal Fikri. "Kendala Serta Solusi Efektif Dalam Pelaksanaan Program Pendaftaran Tanah Sistematik Lengkap (PTSL) Di Era Digital."

Jurnal Ilmiah Penelitian Mahasiswa 2, no. 6 (2024): 470–80.
<https://doi.org/10.61722/jipm.v2i6.589>.

Murni, Christina Sri, dan Sumirahayu Sulaiman. “Sertifikat Hak Milik Atas Tanah Merupakan Tanda Bukti Hak Kepemilikan Tanah.” *Lex Librum: Jurnal Ilmu Hukum* 8, no. 2 (2022): 183–98. <https://doi.org/10.46839/lljh.v8i2.370>.

Musfitha, Andi, Felicitas Sri Marniati, dan Amelia Nur Widayanti. “Perlindungan Hukum Terhadap Pemohon Akibat Tidak Diterapkannya Asas Contradictoire Delimitatie Dalam Pendaftaran Tanah Pertama Kali Guna Pensertipikatan Tanah.” *Citizen: Jurnal Ilmiah Multidisiplin Indonesia* 5, no. 2 (2025): 458–76.
<https://doi.org/10.53866/jimi.v5i2.715>.

Nasir, Siti Maryam. “Tanggung Jawab Badan Pertanahan Nasional Dalam Penyelesaian Sertifikat Tanah Ganda di Kabupaten Gorontalo.” *Sinergi: Jurnal Riset Ilmiah* 1, no. 11 (2024): 1106–16. <https://doi.org/10.62335/fehfbr12>.

Ningsih, Riska Kurnia, dan Hadi Tuasikal. “Tantangan dan Solusi dalam Implementasi Sebagai Alternatif Penyelesaian Sengketa Tanah.” *Journal of Dual Legal System* 2, no. 1 (2025): 70–89. <https://doi.org/10.58824/jdls.v2i1.323>.

Putri, Gracia, Jessica Fionita, and Juan Matheus. “Lelang Eksekusi Kepailitan Atas Tanah Dan Bangunan Yang Dimiliki Bersama Oleh Pihak Ketiga Dan Debitur Pailit.” *Jurnal Supremasi* 14, no. 2 (September 20, 2024): 1–15.
<https://doi.org/10.35457/supremasi.v14i2.3810>.

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

Salim, Agus. “Penyelesaian Sengketa Hukum Terhadap Pemegang Sertifikat Hak Milik Dengan Adanya Penerbitan Sertifikat Ganda.” *Jurnal USM Law Review* 2, no. 2 (2019): 174–78. <https://doi.org/10.26623/julr.v2i2.2269>.

Saragih, Sabio Astroman, Rosnidar Sembiring, dan Henry Sinaga. “Perlindungan Hukum bagi Pemegang Sertifikat Hak Milik Atas Tanah dalam Kasus Sengketa Sertifikat Ganda (Studi Kasus Putusan Ma Nomor 309 Pk/Pdt/2021).” *Rewang Rancang: Jurnal Hukum Lex Generalis* *Jurnal Hukum Lex Generalis* 6, no. 9 (2025): 1–34. <https://doi.org/10.56370/jhlg.v6i9.1666>.

Sasongko, Roby, Wahyu Prawesthi, dan Bahrul Amiq. “Tindak Pidana Pemalsuan Surat atau Dokumen dalam Penerbitan Sertifikat Hak Milik Atas Tanah.” *Jurnal Fundamental Justice* 6, no. 1 (2025): 85–100.
<https://doi.org/10.30812/fundamental.v6i1.4928>.

Siahaan, Jhonson Datmalem, Edi Ikhsan, dan Rudy Hapossan Siahaan. “Perlindungan Hukum Terhadap Bank Sebagai Kreditur Pemegang Hak Tanggungan Atas Sertifikat Hak Milik Yang Telah Dibatalkan Oleh Pengadilan dan Sudah Berkekuatan Hukum Tetap (Studi Putusan Nomor 31

K/TUN/2020).” *Jurnal Intelek Insan Cendekia* 1, no. 9 (2024): 4758–71. <https://jicnusantara.com/index.php/jiic/article/view/1357/1488>.

Sulfian, A. Sultan. “Optimalisasi Peran Badan Pertanahan Nasional Dalam Menyelesaikan Sengketa Agraria Melalui Jalur Mediasi.” *Ekspose: Jurnal Penelitian Hukum dan Pendidikan* 24, no. 1 (2025): 151–61. <https://doi.org/10.30863/ekspose.v24i1.10329>.

Yuliana. “Pelaksanaan Pembatalan Sertifikat Hak Atas Tanah Karena Cacat Administrasi dan Putusan Pengadilan di Kabupaten Lombok Timur.” *AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam* 5, no. 2 (2023): 2031–44. <https://doi.org/10.37680/almanhaj.v5i2.3927>.

Yuyun, Saifun Nufus, dan Sigit Kamseno. “Peran Kepala Desa Teluk Terate Dalam Penyelesaian Perselisihan Sengketa Tanah : Berdasarkan Undang-Undang Nomor 6 Tahun 2014 Tentang Desa Jo Peraturan Menteri Agraria Dan Tata Ruang/ Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 21 Tahun 2020 .” *Al-Zayn Jurnal Ilmu Sosial dan Hukum* 3, no. 6 (2025): 8404–18. <https://doi.org/10.61104/alz.v3i6.2553>.

Books

Harsono, Boedi. *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya*. Jakarta: Djambatan, 2008.

———. *Hukum Agraria Indonesia Himpunan Peraturan-Peraturan Hukum Tanah*. Jakarta: Djambatan, 2008.

Marzuki, Peter Mahmud. *Penelitian Hukum: Edisi Revisi*. Jakarta: Kencana Prenada Media Group, 2017.

Sumardjono, Maria S. W. *Kebijakan Pertanahan : Antara Regulasi dan Implementasi*. Jakarta: Kompas, 2005.

Sutedi, Adrian. *Sertifikat Hak Atas Tanah*. Jakarta: Sinar Grafika, 2023.

Syah, Mudakir Iskandar. *Panduan Mengurus Sertifikat dan Penyelesaian Sengketa Tanah*. Jakarta: Bhuana Ilmu Populer, 2019.

Wicaksono, Arditya, Yudha Purbawa, dan Romi Nugroho. *Transformasi Pelayanan Pertanahan di Indonesia (Konsep, Ide, dan Tantangan Layanan Digital)*. Bogor: Puslitbang ATR/BPN Press, 2021.