



Returning Land Title Certificates to Parties Other Than the Registered Rights Holder in Criminal Judgments

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Abstract

The return of land title certificates admitted as evidence in criminal proceedings raises legal concerns when the designated recipient differs from the registered rights holder. This study examines the consistency of the legal reasoning in Mojokerto District Court Judgment No. 136/Pid.B/2023/PN.Mjk concerning Certificate of Ownership (Sertifikat Hak Milik [SHM]) No. 4177, registered in the name of Moh. Saifuddin Annafabi. It also develops an analytical framework for distinguishing the return of evidence from the formal determination of land ownership. Using normative legal research, this study employs statutory, case, and conceptual approaches, followed by prescriptive qualitative analysis. The findings indicate that the designation of STIT Raden Wijaya Mojokerto as the recipient of the certificate must be distinguished from a definitive determination of land ownership. Trial testimony and the status of the registered rights holder underscore the need to verify the legal basis for any transfer of land rights. This study concludes that the legal analysis should address three distinct aspects: the return of evidence, the validity of the transfer of land rights, and the recipient's legal capacity to hold such rights. Distinguishing these aspects is essential to strengthening legal certainty in land ownership.

Keywords: *Evidentiary Return, Land Title Certificate, Land Ownership, Legal Certainty*

Abstrak

Pengembalian sertifikat hak atas tanah sebagai barang bukti dalam perkara pidana menimbulkan persoalan hukum ketika penerimanya berbeda dari nama yang tercatat dalam sertifikat. Penelitian ini bertujuan menganalisis konsistensi pertimbangan hukum dalam Putusan Pengadilan Negeri Mojokerto Nomor 136/Pid.B/2023/PN.Mjk terkait SHM Nomor 4177 atas nama Moh. Saifuddin Annafabi serta merumuskan kerangka analisis untuk membedakan pengembalian barang bukti dari penetapan hak atas tanah. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, kasus, dan konseptual serta analisis kualitatif preskriptif. penetapan STIT Raden Wijaya Mojokerto sebagai penerima sertifikat perlu dibedakan dari penetapan definitif kepemilikan tanah. Keterangan persidangan dan status pemegang hak yang tercatat menunjukkan perlunya pengujian dasar peralihan hak yang sah. Penelitian menyimpulkan bahwa analisis harus mencakup pengembalian barang bukti, validitas peralihan hak, dan kelayakan subjek pemegang hak untuk memperkuat kepastian hukum pertanahan.

Kata kunci: *Barang Bukti, Sertifikat, Kepastian Hukum*

1. INTRODUCTION

Land title certificates play a significant role in Indonesia's land law system by serving as strong evidence of the physical and juridical data of registered land. Under Law No. 5 of 1960 concerning Basic Agrarian Principles (Undang-Undang Pokok Agraria [UUPA]), land registration serves as a mechanism for ensuring legal certainty regarding the status of land rights, the identity of rights holders, and the land itself. Articles 19 and 23 of the UUPA, which govern land registration and the registration of land rights, are further elaborated in Article 32(1) of Government Regulation No. 24 of 1997 concerning Land Registration. Although a land title certificate carries significant evidentiary weight, it does not constitute conclusive proof of ownership in all circumstances. Claims to land ownership may therefore still be challenged through applicable evidentiary procedures and legal mechanisms.¹

The issue becomes more complex when land title certificates are introduced as evidence in criminal proceedings. A fundamental distinction must be drawn between physical possession of a document and ownership of the land rights represented by that document. The possession of a certificate by an educational institution, an organizational official, a financier, or a collateral custodian does not, in itself, establish that the possessor is the lawful holder of the underlying land rights. Conversely, the name recorded on a certificate must also be assessed within the applicable evidentiary framework when competing claims or contradictory evidence arise.² Accordingly, the return of a document in criminal proceedings should not automatically be interpreted as resolving a dispute over land ownership.

This issue is illustrated by Mojokerto District Court Judgment No. 136/Pid.B/2023/PN.Mjk, which concerns a fraud case involving the defendant, Drs. Hariris Nurcahyo, M.Si. In this case, Certificate of Ownership (Sertifikat Hak Milik [SHM]) No. 4177, registered in the name of Moh. Saifuddin Annafabi, was introduced as evidence. Although Saifuddin was identified as the registered rights holder and stated that he had never sold the land, the court ordered the certificate to be returned to STTT Raden Wijaya Mojokerto. The discrepancy between the registered rights holder and the party designated to receive the certificate raises important questions concerning the adequacy of the court's legal reasoning and the limits of a criminal court's authority to determine the disposition of evidence involving disputed land rights.

Legal certainty requires decisions concerning the return of evidence to be grounded in a sound legal basis without conflating physical possession of a document

¹ Arifin Bur and Desi Apriani, "Sertifikat Sebagai Alat Pembuktian Yang Kuat Dalam Hubungannya Dengan Sistem Publikasi Pendaftaran Tanah," *UIR Law Review* 1, no. 02 (2017): 127–36, <https://doi.org/10.25299/uirlrev.2017.1.02.952>.

² Lamrotiur Sihite et al., "Kekuatan Pembuktian Sertifikat Hak Milik Atas Tanah Sebagai Alat Buktidalam Perkara Perdata: Studi Putusan Nomor: 34/Pdt.G/2020/PN.Kbj," *Fiat Iustitia: Jurnal Hukum* 3, no. 1 (2022): 40–51, <https://doi.org/10.54367/fiat.v3i1.2128>.

with the determination of ownership rights. An adequate legal analysis must therefore integrate criminal procedural law, agrarian law, and the legal status of the parties involved. Such an approach is necessary to ensure that the return of evidence does not generate further legal uncertainty or prejudice the rights of interested parties.

Previous studies indicate that legal certainty in land ownership is closely associated with the evidentiary value of land title certificates, the validity of transfers of land rights, the authority of judicial institutions, and the effectiveness of legal remedies for restoring rights to their lawful holders. Although existing research has examined land certificate disputes from the perspectives of agrarian law, land administration, and criminal law, the relationship between court-ordered returns of certificates as evidence and the legal determination of land ownership warrants more focused investigation.

Bur and Apriani examine the evidentiary status of land title certificates within Indonesia's land registration system. Their analysis highlights the role of certificates in establishing legal certainty while recognizing that their evidentiary value does not exclude the possibility of rebuttal by contrary evidence. This perspective underscores the legal significance of the name recorded on a certificate and the need for sufficient evidentiary grounds before challenging its implications. However, determining the appropriate recipient of a land title certificate, particularly when the document has been seized or admitted as evidence in criminal proceedings, falls outside the primary focus of their study.³

Yuningsih et al. examine the evidentiary challenges associated with land transactions conducted without a deed executed by a Land Deed Official (Pejabat Pembuat Akta Tanah [PPAT]).⁴ Similarly, Taolin et al. discuss the risks of legal uncertainty arising from transfers of land rights that have not been formally registered. Both studies demonstrate that legal certainty depends not merely on the existence of documentary evidence but also on the validity of the legal process underlying a transfer of rights.⁵ Although these findings are relevant to ensuring consistency between documentary evidence and land registration records, neither study specifically examines the limits of a criminal judge's authority to order the return of a land title certificate to a party other than the registered rights holder.

Bur et al. examine the possibility of granting land ownership rights to certain religious legal entities. Their study demonstrates that the legal status and capacity of an entity are essential factors in determining its eligibility to hold land rights.⁶ This finding

³ Bur and Apriani, "Sertifikat Sebagai Alat Pembuktian Yang Kuat Dalam Hubungannya Dengan Sistem Publikasi Pendaftaran Tanah."

⁴ Deity Yuningsih et al., "Peningkatan Pengakuan Hukum Peralihan Hak Atas Tanah Tidak Akta Pejabat Pembuat Akta Tanah," *Halu Oleo Law Review* 8, no. 1 (2024): 62–73, <https://doi.org/10.33561/holrev.v8i1.108>.

⁵ Fitriana Trinengsi Taolin et al., "Kesadaran Hukum Masyarakat Dalam Pendaftaran Peralihan Hak Atas Tanah," *Tunas Agraria* 7, no. 1 (2024): 68–85, <https://doi.org/10.31292/jta.v7i1.277>.

⁶ Arifin Bur et al., "Pemberian Hak Milik Atas Tanah Badan Keagamaan Pada Yayasan Lembaga Pendidikan Islam Menurut Hukum Pertanahan Indonesia," *Asian Journal of Environment, History and Heritage* 3, no. 1 (2019): 99–104.

is relevant to the present study because it underscores the need to examine the legal standing of an entity designated to receive a land title certificate rather than treating physical possession of the document as conclusive evidence of ownership.

Other studies provide further insights into the legal protection of land rights holders. Kurniaji examines the implementation of land registration following judicial decisions, emphasizing the need for regulatory consistency and procedural clarity.⁷ Grey explains that the cancellation of a land title certificate does not necessarily follow automatically from a court judgment but may require additional administrative procedures.⁸ Nugraha et al. investigate certificates issued on the basis of fraudulent documents,⁹ whereas Mulyani and Puteri examine the restoration of rights through the cancellation of deeds and land title certificates.¹⁰ Chairunissa et al. further emphasize the importance of distinguishing disputes over land ownership from issues concerning the legal protection of assets located on the land.¹¹

The existing literature provides a valuable foundation for understanding the evidentiary status of land rights, the legal capacity of rights-holding entities, and the mechanisms available for restoring legal rights. Nevertheless, an integrated analysis of the authority of criminal judges, the evidentiary weight of land title certificates, and the legal capacity of parties designated to receive such evidence remains underdeveloped. This study addresses that gap by proposing a three-dimensional analytical framework encompassing the legal regime governing evidence in criminal proceedings, the substantive principles of land law, and the legal capacity of the parties involved. This framework is applied to Mojokerto District Court Judgment No. 136/Pid.B/2023/PN.Mjk to assess the consistency of the court's legal reasoning and its implications for legal certainty.

This study aims to analyze the limits of a criminal judge's authority to order the return of land title certificates admitted as evidence, particularly when the designated recipient differs from the registered rights holder. Specifically, it examines the consistency of the legal reasoning in Mojokerto District Court Judgment No. 136/Pid.B/2023/PN.Mjk concerning Certificate of Ownership (Sertifikat Hak Milik

⁷ Danar Fiscusia Kurniaji, "Pendaftaran Hak Atas Tanah Berdasarkan Putusan Pengadilan," *Fiat Justisia: Jurnal Ilmu Hukum* 10, no. 3 (2017): 433–56, <https://doi.org/10.25041/fiatjustisia.v10no3.786>.

⁸ Andrew Grey, "Proses Pembatalan Sertipikat Hak Milik Atas Tanah Karena Akta Jual Beli Yang Cacat Hukum: Studi Kasus Putusan Nomor 72/G/ 2018/PTUN.BDG," *Indonesian Notary* 2 (2020): 2.

⁹ Yodi Nugraha et al., "Kepastian Hukum Sertipikat Hak Atas Tanah Dengan Dasar Penerbitan Surat Palsu: Studi Putusan Pengadilan Negeri Batusangkar Nomor 67/Pid.B/2021/PN Bsk," *Unes Law Review* 6, no. 1 (2023): 1724–36, <https://doi.org/10.31933/unesrev.v6i1.968>.

¹⁰ Theresia Mulyani, "Upaya Hukum Pengembalian Objek Waris Akibat Peralihan Dan Pembebanan Hak Tanggungan Atas Tanah Tanpa Persetujuan Pemegang Hak," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 5, no. 4 (2025): 2704–14, <https://doi.org/10.38035/jihhp.v5i4.3679>; Marsya Duni Puteri, "Perlindungan Hukum Bagi Pemilik Hak Atas Tanah Yang Telah Dialihkan Dan Dibebankan Hak Tanggungan," *Jurnal Hukum Lex Generalis* 6, no. 9 (2026): 1–14, <https://doi.org/10.56370/jhlhg.v6i9.2354>.

¹¹ Syaira Chairunissa et al., "Putusan MA Membatalkan Sertifikat, Memulihkan Status Tanah Serta Perlindungan Hukum Pemilik Atasnya," *Jurnal Niara* 19, no. 1 (2026): 240–48, <https://doi.org/10.31849/g4d40661>.

[SHM]) No. 4177, registered in the name of Moh. Saifuddin Annafabi. The analysis considers the evidence presented at trial and the legal basis for designating STIT Raden Wijaya Mojokerto as the recipient of the certificate. Furthermore, this study seeks to develop an analytical framework that distinguishes the return of documents in criminal proceedings from the formal determination of land rights under the applicable land law framework.

2. RESEARCH METHODOLOGY

This study adopts a normative legal research method using statutory, case-based, and conceptual approaches. It examines the limits of a criminal judge's authority to order the return of land title certificates admitted as evidence, the evidentiary weight of such certificates, and the consistency of judicial reasoning in determining the appropriate recipient of these documents.

Primary legal materials comprise the Indonesian Code of Criminal Procedure (Kitab Undang-Undang Hukum Acara Pidana [KUHP]), Law No. 5 of 1960 concerning Basic Agrarian Principles, Government Regulation No. 24 of 1997 concerning Land Registration, and Mojokerto District Court Judgment No. 136/Pid.B/2023/PN.Mjk. Secondary legal materials include books, scholarly journal articles, research findings, and expert opinions. Tertiary legal materials are used to clarify legal terminology and facilitate the interpretation of relevant legal concepts. Data are collected through library research and document analysis.

The collected materials are analyzed qualitatively through grammatical, systematic, and conceptual interpretation, supported by prescriptive legal reasoning. The analysis examines three interrelated dimensions: the legal framework governing evidence in criminal proceedings, the applicable principles of land law, and the legal standing of the party designated to receive the certificate. Relevant legal norms, factual circumstances, judicial reasoning, and the court's disposition are assessed comprehensively. Conclusions are drawn deductively to evaluate the adequacy of the legal basis for returning the certificate, the scope of a criminal judge's authority, the protection afforded to registered rights holders, and the implications for legal certainty in land ownership.

3. RESEARCH RESULT AND DISCUSSION

3.1. Consistency of Judicial Reasoning in Ordering the Return of Freehold Title (SHM) No. 4177 to STIT Raden Wijaya Mojokerto

The central issue in the judgment is not merely whether the judge had the authority to order the return of evidence, but whether the legal reasoning sufficiently establishes a

connection between evidence of the institution's interests and the decision to designate it as the recipient of a land title certificate formally registered in another person's name.

Two sets of facts must be examined together. First, Freehold Title (Sertifikat Hak Milik [SHM]) No. 4177 is registered in the name of Moh. Saifuddin Anafabi, who testified that the land had been acquired by his father, Anshor Cholil, from Badrus Shaleh. The certificate was issued in Saifuddin's name in 2003. He further stated that he had neither sold the land nor endowed it as a religious charitable property (*waqf*). This testimony establishes a legally relevant connection between the registered rights holder and the disputed land. Accordingly, it must be considered when assessing the legal basis for returning the certificate.

Second, the judgment refers to a payment receipt dated November 7, 2008, for IDR 100,000,000, associated with the purchase of land for the benefit of STIT Raden Wijaya Mojokerto. The institution's account of its use of the land and its financing of development activities provides a basis for its claim to an economic interest in the property. However, evidence of payment and land use does not, by itself, establish whether a legally valid transfer of ownership occurred between the registered rights holder and the party acting on behalf of the institution. Several matters therefore require further examination, including the identity of the seller, the authority of the parties involved in the transaction, the registered rights holder's consent, the legal nature of the transaction, and the history of land registration.

The discrepancy between these two sets of facts becomes particularly significant because the panel of judges characterized the evidence as belonging to the institution and ordered its return to STIT Raden Wijaya Mojokerto. This determination suggests that the panel assigned substantial weight to the evidence of payment and the institution's asserted interests. Nevertheless, when considered alongside Saifuddin's testimony and the name recorded on the certificate, the court's reasoning requires further clarification regarding the precise legal meaning of ownership in this context. Does ownership refer to physical possession of the document, an economic interest in the land, or legal title to the land under Indonesian agrarian law? The judgment does not provide a sufficient basis for treating these three concepts as interchangeable.

Article 194(1) of Law No. 8 of 1981 concerning Criminal Procedure provides a legal basis for a judge to order the return of evidence to the party legally entitled to receive it. Accordingly, designating STIT Raden Wijaya Mojokerto as the recipient of the certificate does not necessarily exceed the authority of a criminal court judge. Nevertheless, the authority to dispose of evidence must be distinguished from the legal powers and procedures governing the establishment or transfer of land ownership. Physical possession of a certificate does not, in itself, establish legal title to the

underlying land. Similarly, returning a certificate to an institution does not automatically transfer the rights recorded in the land registration system.¹²

This distinction is reinforced by Article 32(1) of Government Regulation No. 24 of 1997 concerning Land Registration, which establishes a land title certificate as strong evidence of the physical and juridical data contained therein, insofar as those data correspond to the official survey map and land register. Although this evidentiary status is not absolute, any challenge to the registered information must be supported by an adequate evidentiary basis. Furthermore, Article 37(1) of the same regulation generally requires a deed executed by a Land Deed Official (Pejabat Pembuat Akta Tanah [PPAT]) for the registration of transfers of land rights through sale and purchase, subject to the limited exceptions provided under Article 37(2). A payment receipt must therefore be evaluated in the context of the underlying transaction and its supporting evidence rather than treated as conclusive proof that ownership has been transferred.

These considerations are consistent with Bur and Apriani, who emphasize the evidentiary significance of land title certificates while acknowledging that their contents may be challenged by contrary evidence.¹³ Yuningsih et al. likewise demonstrate the complexities of proving land transactions when the supporting documentation does not satisfy the applicable formal requirements.¹⁴ Meanwhile, Grey and Kurniaji underscore the importance of complying with established procedures and applicable legal frameworks when implementing judicial decisions and modifying land registration records.¹⁵

The present study differs from these previous investigations by examining the evidentiary and land law implications of designating a certificate recipient in the operative part of a criminal judgment. Rather than focusing exclusively on the validity of a certificate or the procedures for its cancellation, this analysis addresses the intersection between criminal evidentiary rules and the legal framework governing land rights. This distinction is essential to determining whether the court's reasoning adequately supports the return of the certificate without prematurely resolving, or creating the appearance of resolving, the separate question of legal ownership.

A further issue concerns the legal capacity of the designated recipient if a claim for the return of a document is interpreted as a claim to land ownership. In principle, Article 21 of the Basic Agrarian Law (Undang-Undang Pokok Agraria [UUPA]) restricts the

¹² Muhammad Alif Prayuta Akbar, "Wanprestasi Dalam Akta Pengikatan Jual Beli Tanah Dan Bangunan Yang Masuk Dalam Boedel Pailit: Studi Putusan Mahkamah Agung Nomor 687 PK/Pdt/2016," *Indonesian Notary* 4, no. 1 (2022): 22.

¹³ Bur and Apriani, "Sertifikat Sebagai Alat Pembuktian Yang Kuat Dalam Hubungannya Dengan Sistem Publikasi Pendaftaran Tanah."

¹⁴ Yuningsih et al., "Peningkatan Pengakuan Hukum Peralihan Hak Atas Tanah Tidak Akta Pejabat Pembuat Akta Tanah."

¹⁵ Grey, "Proses Pembatalan Sertipikat Hak Milik Atas Tanah Karena Akta Jual Beli Yang Cacat Hukum: Studi Kasus Putusan Nomor 72/G/ 2018/PTUN.BDG"; Kurniaji, "Pendaftaran Hak Atas Tanah Berdasarkan Putusan Pengadilan."

categories of legal subjects eligible to hold freehold title (*hak milik*), subject to limited exceptions for legal entities designated by the government. Government Regulation No. 38 of 1963 specifies the categories of legal entities eligible to hold freehold title, subject to the applicable requirements. Accordingly, merely identifying STIT Raden Wijaya Mojokerto as the recipient of the evidence is insufficient to establish that the institution or its governing body satisfies the legal requirements for holding such title. If land ownership is to be definitively determined, the institution's legal status and the legal basis for its eligibility to hold the relevant rights must be examined separately.

The consistency of the judicial reasoning in Judgment No. 136/Pid.B/2023/PN.Mjk must therefore be assessed in terms of whether the panel of judges adequately explained the relationship between the evidence of the transaction, the testimony of the registered rights holder, and the legal basis for designating the recipient of the evidence. An argumentative gap remains because the reasoning supporting the institution's interest in the land does not fully address the distinction between physical possession of the certificate and the legal status of the underlying land rights. This gap does not conclusively establish that STIT Raden Wijaya Mojokerto is ineligible to receive the document, nor does it establish that Saifuddin's ownership claim is legally irrefutable. Rather, the more defensible conclusion is that the designation of a recipient for evidence must be interpreted strictly within the framework of criminal procedural law and cannot substitute for the formal legal procedures required to establish a transfer of land rights under agrarian law. Maintaining this distinction is essential to protecting the interests of the parties concerned and ensuring legal certainty regarding Freehold Title (*Sertifikat Hak Milik [SHM]*) No. 4177.

3.2. Reconstructing an Analytical Framework to Distinguish the Return of a Certificate as Evidence from the Determination of Land Rights

This issue cannot be resolved solely by identifying the party in possession of the document or the party claiming to have financed the land purchase. A comprehensive analytical framework is needed to distinguish the legal basis for returning an item of evidence, the validity of the underlying land title, and the legal capacity of the party claiming ownership. Although these three dimensions are interrelated, each involves distinct evidentiary requirements and produces different legal consequences.

The facts presented at trial reveal competing claims concerning the acquisition and possession of the land. Moh. Saifuddin Annafabi testified that the land had been acquired by his father, Anshor Cholil, from Badrus Shaleh and that the Certificate of Ownership (*Sertifikat Hak Milik [SHM]*) registered in his name was issued in 2003. He further stated that he had neither sold the land nor endowed it as a religious charitable property (*waqf*) (Mojokerto District Court, 2023, pp. 28–30). In contrast, the judgment refers to a payment receipt dated November 7, 2008, for IDR 100,000,000, associated

with the purchase of land for the benefit of STTT Raden Wijaya Mojokerto. These facts indicate competing grounds for the parties' respective claims but are insufficient, on their own, to establish whether a legally valid transfer of land rights occurred. Furthermore, the available judgment does not clarify whether the transaction was supported by a deed executed before a Land Deed Official (Pejabat Pembuat Akta Tanah [PPAT]), a power of attorney, other transfer documents, or subsequent amendments to the land registration records following the issuance of the certificate.

This study proposes a three-tiered analytical framework. The first tier examines the legal framework governing evidence, particularly the authority of a criminal court judge to determine the party entitled to receive a certificate seized or admitted as evidence. The second tier examines the underlying land title and registration status to determine whether a valid legal act supports the claim that land rights were transferred from the registered rights holder to another party. The third tier assesses the legal capacity of the claimant, specifically whether the party seeking recognition of ownership satisfies the requirements for holding land rights under Indonesian agrarian law. Together, these tiers establish three sequential but legally distinct inquiries: the return of documentary evidence, the substantiation of land ownership, and the legal eligibility of the claimant to hold the relevant rights.

Article 194(1) of Law No. 8 of 1981 concerning the Indonesian Code of Criminal Procedure provides the historical legal basis for understanding a judge's authority to order the return of evidence to the party legally entitled to receive it. This provision governs the disposition of evidence in criminal proceedings; it does not establish a mechanism for transferring land rights. Accordingly, a judge may designate an institution as the physical recipient of a land title certificate, provided that the decision has an adequate legal basis, such as the institution's entitlement to recover a deposited document or its legitimate claim to possession. Designating an institution as the recipient of a certificate does not automatically confer the status of registered land rights holder on that institution. The central question is whether the court's reasoning concerning the institution's interests adequately justifies its designation as the recipient, particularly when the name recorded on the certificate differs from that of the party identified in the judgment as entitled to receive it.

The second tier focuses on the relationship between evidence of a transaction and the legal status of the registered land rights. Article 32(1) of Government Regulation No. 24 of 1997 concerning Land Registration recognizes a land title certificate as strong evidence of the physical and juridical data contained therein, provided that these data correspond to the official survey map and land register. Although this evidentiary status is not absolute, claims by other parties may still be contested through appropriate legal procedures. Nevertheless, the existence of a payment receipt or the use of land for institutional purposes does not, by itself, override the information recorded in the land

register. In principle, Article 37(1) of Government Regulation No. 24 of 1997 requires a deed executed by a Land Deed Official (PPAT) for the registration of transfers of land rights through sale and purchase, subject to the limited exceptions specified in Article 37(2). Accordingly, the examination must address the identity of the seller, the authority of the parties acting in the transaction, the consent of the rights holder, the conformity of the transaction object with the registered land, the legal form of the transaction, and the history of land registration.¹⁶ This approach does not presume that a land title certificate is invariably correct or immune to challenge. Rather, it requires any claim of a subsequent transfer of rights to be supported by a verifiable legal basis that can be reconciled with the existing registered interest.

The third tier concerns the legal capacity of the party claiming ownership. In principle, Article 21 of the Basic Agrarian Law (Undang-Undang Pokok Agraria [UUPA]) restricts freehold title (*hak milik*) to Indonesian citizens, while permitting certain legal entities to hold such rights when designated by the government in accordance with applicable regulations. Government Regulation No. 38 of 1963 specifies the categories of legal entities eligible to hold freehold title. Accordingly, a claim that land belongs to an educational institution must be distinguished from the question of which legal entity actually holds the relevant rights—whether the educational institution itself or its governing foundation—and whether that entity satisfies the applicable legal requirements. The available information is insufficient to establish this status conclusively. Therefore, examining the legal capacity of the relevant entity serves as a verification step rather than a basis for determining whether STIT Raden Wijaya Mojokerto is eligible to hold freehold title.

Bur and Apriani emphasize the evidentiary significance of land title certificates within the land registration system,¹⁷ whereas Yuningsih et al. demonstrate the complexities of proving land transactions that lack a deed executed by a Land Deed Official (Pejabat Pembuat Akta Tanah [PPAT]).¹⁸ Bur et al. further highlight the importance of an entity's legal capacity to hold land ownership rights.¹⁹ These studies provide a foundation for analyzing the evidentiary status of land title certificates, the legal basis for transferring land rights, and the identity of the rights holder. Integrating these dimensions with the question of a criminal court judge's authority to order the

¹⁶ Agus Dwi Haryanto, "Prinsip Kehati-Hatian Notaris Dalam Membuat Akta Kuasa Menjual," *Jurnal Berbinding* 1, no. 1 (2023): 102–9; Siti Naimah et al., "Prinsip Kehati-Hatian Notaris Dalam Pembuatan Akta Sebagai Upaya Perlindungan Hukum Preventif Bagi Notaris Dan Para Pihak," *Seikat: Jurnal Ilmu Sosial, Politik Dan Hukum* 5, no. 4 (2026): 2983–90, <https://doi.org/10.55681/seikat.v5i4.3445>.

¹⁷ Bur and Apriani, "Sertifikat Sebagai Alat Pembuktian Yang Kuat Dalam Hubungannya Dengan Sistem Publikasi Pendaftaran Tanah."

¹⁸ Yuningsih et al., "Peningkatan Pengakuan Hukum Peralihan Hak Atas Tanah Tidak Akta Pejabat Pembuat Akta Tanah."

¹⁹ Bur et al., "Pemberian Hak Milik Atas Tanah Badan Keagamaan Pada Yayasan Lembaga Pendidikan Islam Menurut Hukum Pertanahan Indonesia."

return of evidence requires a comprehensive analytical framework that distinguishes the legal consequences of returning a document from those of determining land ownership.

The consistency of a judicial decision must be assessed in light of the relationship between the facts established at trial, the legal grounds for returning the evidence, and the scope of the decision's legal implications.²⁰ When a panel of judges declares that evidence belongs to an educational institution and orders its return to STIT Raden Wijaya Mojokerto, the reasoning must be examined carefully to determine whether the declaration concerns possession of the document or ownership of the underlying land. Without a clear distinction, the ruling could be interpreted as extending beyond the disposition of evidence. Such an interpretation should not automatically be treated as a legal consequence conclusively established by the court.

The return of a land title certificate in criminal proceedings and the determination of land ownership must be examined through distinct but coordinated legal mechanisms. The proposed three-tiered framework provides an analytical tool for identifying the party entitled to receive the document, verifying the legal validity of the purported transfer of land rights, and assessing the legal capacity of the party claiming ownership. Applying this framework does not automatically establish that any particular party is the lawful owner of the land. Rather, it clarifies the evidentiary requirements and legal procedures that must be satisfied before a legally defensible conclusion can be reached. The principal contribution of this study lies in establishing analytical boundaries between criminal procedural law and agrarian law to strengthen the consistency of judicial reasoning, improve the protection of interested parties, and promote legal certainty in matters involving land title certificates.

4. CONCLUSION

The designation of STIT Raden Wijaya Mojokerto as the recipient of the land title certificate should be understood within the framework governing the disposition of evidence in criminal proceedings rather than as a definitive determination of land ownership. Trial testimony concerning the history of the land's acquisition, the use of the certificate, and the identity of the registered rights holder underscores the need for further examination of the legal basis for the purported transfer of rights. This study highlights the importance of distinguishing between physical possession of a document, the establishment of legal entitlement, and the validity of a transfer of land rights.

The proposed three-tiered analytical framework—addressing the return of evidence, the validity of the transfer of rights, and the legal eligibility of the rights holder—offers a conceptual contribution to the analysis of similar disputes. Its

²⁰ Immoto Qoonita Nafiah Maulana et al., "Konsistensi Pertimbangan Hakim Upaya Mewujudkan Kepastian Hukum Dalam Sengketa Perdata Kepemilikan Tanah: Analisis Putusan Nomor 16/PDT/2020/PT PLG," *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora* 3, no. 2 (2026): 35–42, <https://doi.org/10.62383/aliansi.v3i2.1611>.

application can promote greater judicial prudence and strengthen legal certainty in matters involving land rights. Nevertheless, this study is limited by its normative legal research approach and its reliance on a specific judicial decision. Accordingly, judicial reasoning concerning the return of evidence should clearly articulate the legal basis for designating the recipient without prejudging the resolution of the underlying land ownership dispute. Future research should examine land registration records, deeds of transfer, and comparable judicial decisions to further assess the applicability of the proposed framework.

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