

# RESOLUTION OF LAND OWNERSHIP DISPUTES BETWEEN OWNERS OF OWNERSHIP CERTIFICATES AND OWNERS OF COMPENSATION DECLARATIONS (Study Decision Number: 78/Pdt.G/2023/PN Mdn)

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## Abstract

Land ownership disputes remain a frequent issue in Indonesia, particularly between owners of Land Ownership Certificates and those who control the land based on compensation letters. These differences in the basis of ownership and evidence of land ownership often give rise to legal conflicts that end up in court. This study aims to review a general overview of agrarian law in Indonesia, analyze the factors causing land ownership disputes between owners of Land Ownership Certificates and owners of compensation letters, and analyze the resolution of these disputes based on Medan District Court Decision Number 78/Pdt.G/2023/PN Mdn. The research method used is normative legal research with a statutory and case-based approach. Data sources used are primary, secondary, and tertiary legal materials analyzed qualitatively. The results indicate that land ownership disputes are influenced by disorderly land administration, low public legal awareness, overlapping land ownership, and differences in understanding between customary law and positive law. Medan District Court Decision Number 78/Pdt.G/2023/PN Mdn affirms that a Land Ownership Certificate is a strong and primary piece of evidence as long as it is issued in accordance with legal procedures and there is no evidence of administrative flaws. Therefore, land registration is a crucial instrument for ensuring legal certainty and protection of land rights.

**Keywords:** *Land Dispute, Land Ownership Certificate, Compensation Letter, Agrarian Law, Court Decision.*

## INTRODUCTION

Land constitutes one of the natural resources that holds a very important position in human life, both as a place of residence, a means of business, and a source of livelihood. In a legal context, land is not only of economic value but also possesses social and juridical value, as it relates to rights, obligations, and legal certainty for holders of land rights. Therefore, land regulation has become a serious concern of the state through the establishment of a national agrarian legal system. In Indonesia, the regulation of land rights is comprehensively governed by Law Number 5 of 1960 concerning the Basic Agrarian Principles (the Basic Agrarian Law/UUPA). The UUPA aims to realize legal certainty, justice, and utility in the control, ownership, use, and utilization of land. One of the main principles of the UUPA is to provide guarantees of legal certainty through land registration as stipulated in Article 19 of the UUPA.

Land registration is intended to provide legal protection for holders of land rights, particularly for holders of Ownership Rights Certificates (Sertifikat Hak Milik/SHM), which constitute the strongest and most complete evidence of land ownership. A Certificate of Ownership has perfect evidentiary value as long as it cannot be proven otherwise by a court decision that has obtained permanent legal force. However, in practice, the existence of a certificate has not been entirely capable of eliminating the potential for land disputes. Land disputes still frequently occur within society, whether caused by overlapping ownership claims, unclear land boundaries, or the existence of different forms of evidence of land rights. One form of dispute that often arises is a conflict between holders of Ownership Rights Certificates and other parties who control land based on compensation letters or deeds of transfer of rights executed under private hand. This condition raises legal issues concerning the evidentiary strength of each of these instruments. A compensation letter essentially serves as evidence of control or transfer of land rights arising from customary law practices or community habits prior to the systematic implementation of land registration. Although socially recognized, a compensation letter does not possess the same legal force as an Ownership Rights

Certificate issued by the National Land Agency. This disparity often triggers land ownership conflicts in the future. Differences in legal standing between Ownership Rights Certificates and compensation letters frequently result in legal uncertainty, particularly when both parties claim rights over the same parcel of land. In such circumstances, dispute resolution through judicial proceedings becomes the final avenue to determine which party is legally entitled to the land. Courts are required to explore, follow, and understand the living legal values within society without disregarding statutory provisions.

The resolution of land ownership disputes through civil courts generally focuses on the proof of rights, the origin of land acquisition, and compliance with applicable legal procedures. In deciding land dispute cases, judges must consider documentary evidence, witness testimony, and legal facts revealed during trial proceedings in order to achieve a fair decision and provide legal certainty for the parties involved. One case that is particularly interesting to examine is the Decision of the Medan District Court Number 78/Pdt.G/2023/PN Mdn, which demonstrates a dispute between a holder of an Ownership Rights Certificate and a party controlling land based on a compensation letter. This case reflects a classic land conflict that continues to occur frequently, especially in urban areas with high population density and high land values.

In this decision, the panel of judges was confronted with legal issues concerning the validity of land ownership evidence, the legal standing of the parties, and the procedures for acquiring land rights. This dispute involved not only the question of who physically controlled the land but also who was legally entitled to the land based on applicable laws and regulations. The factors causing land ownership disputes between holders of Ownership Rights Certificates and holders of compensation letters are diverse, including weak land administration in the past, a lack of public legal awareness regarding land registration, and overlapping claims to land rights that were not conclusively resolved from the outset. These conditions are exacerbated by the increasing economic value of land, which intensifies conflicts of interest.

The resolution of land ownership disputes is not merely intended to declare a winner between the parties but also to create legal certainty, justice, and order in the field of land affairs. Court decisions are expected to provide proportional legal protection in accordance with the strength of the evidence presented and the provisions of national agrarian law. Therefore, a study on the resolution of land ownership disputes between holders of Ownership Rights Certificates and holders of compensation letters is important to understand the implementation of agrarian law in Indonesian judicial practice. An analysis of court decisions can provide insights into judges' patterns of reasoning and the direction of legal protection afforded to land rights holders. Based on the foregoing, this research is important to conduct in order to examine in depth the "RESOLUTION OF LAND OWNERSHIP DISPUTES BETWEEN HOLDERS OF OWNERSHIP RIGHTS CERTIFICATES AND HOLDERS OF COMPENSATION LETTERS AS REFLECTED IN DECISION NUMBER 78/PDT.G/2023/PN MDN," with the expectation that it will contribute both academically and practically to the development of agrarian law in Indonesia.

## **LITERATUR REVIEW**

### **2.1 Theory of Legal Certainty**

Legal certainty is one of the fundamental objectives of law, requiring clarity of norms, consistency in their application, and guarantees of protection for the rights of legal subjects. According to Hans Kelsen, law must be able to provide certainty regarding what is permitted and prohibited within society through generally applicable norms whose enforcement can be predicted. In the context of agrarian law, legal certainty is of paramount importance, given that land possesses high economic, social, and juridical value and is highly prone to conflicts of interest.

Law Number 5 of 1960 concerning the Basic Agrarian Principles (the Basic Agrarian Law/UUPA) explicitly positions land registration as the primary means of realizing legal certainty, as stipulated in Article 19 of the UUPA. Through land registration, the state provides guarantees of legal certainty regarding the subject of rights, the object of rights, and the type of land rights. Ownership Rights Certificates (Sertifikat Hak Milik) issued as a result of land registration constitute strong evidence and are juridically recognized. In land ownership disputes between holders of Ownership Rights Certificates and holders of compensation letters, the theory of legal certainty places certificates as the primary evidence because they arise from legal procedures established by the state. Compensation letters that are not followed by land registration do not provide the same level of legal certainty and therefore have the potential to give rise to disputes in the future.

### **2.2 Theory of Legal Protection**

The theory of legal protection aims to provide safeguards for the rights of legal subjects so that they are protected from arbitrary actions, whether by other individuals or by the state. Philipus M. Hadjon divides legal

protection into two forms, namely preventive legal protection and repressive legal protection. Preventive legal protection is intended to prevent the occurrence of disputes, while repressive legal protection is provided through dispute resolution mechanisms, including judicial proceedings. In the field of land affairs, preventive legal protection is realized through an orderly and transparent land registration system. Ownership Rights Certificates provide legal protection to their holders because the state officially recognizes and guarantees the existence of such rights. Conversely, compensation letters executed under private hand provide only limited legal protection because they are not recorded within the national land administration system. Repressive legal protection is reflected in dispute resolution through court decisions. The Decision of the Medan District Court Number 78/Pdt.G/2023/PN Mdn constitutes a form of repressive legal protection, in which the court provides legal protection to the party that is able to prove its rights juridically and in accordance with applicable agrarian law provisions.

### **2.3 Theory of Evidence in Civil Law**

Evidence constitutes the core of civil dispute resolution, as it aims to convince judges of the truth of the arguments submitted by the parties. Under civil procedural law, valid means of evidence as regulated in Article 1866 of the Indonesian Civil Code (KUHPperdata) include written evidence, witness testimony, presumptions, confessions, and oaths. In land ownership disputes, written evidence plays a highly dominant role. Ownership Rights Certificates, as authentic deeds, possess perfect evidentiary value as long as they cannot be proven otherwise through lawful evidence in court. In contrast, compensation letters executed under private hand possess evidentiary value only as preliminary evidence and must be supported by other forms of evidence. This theory of evidence forms the basis of judicial consideration in Decision Number 78/Pdt.G/2023/PN Mdn, in which the Ownership Rights Certificate was deemed to have stronger evidentiary value than the compensation letter because it was issued by an authorized official through lawful legal procedures.

## **METHOD**

The type of research used in this study is normative legal research, namely research conducted by examining and analyzing prevailing legal norms derived from statutory regulations, court decisions, as well as legal doctrines or the opinions of legal scholars. Normative legal research is employed to systematically and comprehensively understand and examine legal issues related to land ownership disputes between holders of Ownership Rights Certificates (Sertifikat Hak Milik) and holders of compensation letters. The nature of this research is descriptive-analytical, meaning that it aims to provide a clear, detailed, and systematic description of the object under study while analyzing legal facts related to the resolution of land ownership disputes. Through a descriptive-analytical approach, this research not only presents applicable legal provisions but also analyzes their implementation in judicial practice as reflected in the Decision of the Medan District Court Number 78/Pdt.G/2023/PN Mdn.

The research approaches used in this study include the statutory approach (statute approach) and the case approach. The statutory approach is employed to examine legal provisions governing land ownership and control of land rights, particularly Law Number 5 of 1960 concerning the Basic Agrarian Principles (the Basic Agrarian Law/UUPA) and its implementing regulations. Meanwhile, the case approach is used to analyze the legal considerations of the panel of judges in resolving land ownership disputes between holders of Ownership Rights Certificates and holders of compensation letters based on court decisions that have obtained permanent legal force.

The data sources used in this study consist of secondary data, comprising primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include statutory regulations related to agrarian law, such as Law Number 5 of 1960 concerning the Basic Agrarian Principles, as well as the Decision of the Medan District Court Number 78/Pdt.G/2023/PN Mdn. Secondary legal materials consist of books, scientific journals, and research results relevant to the topic of land ownership disputes. Tertiary legal materials include legal dictionaries and legal encyclopedias used to clarify legal terms and concepts.

Data collection techniques in this research are conducted through library research, namely by reviewing, examining, and inventorying various legal materials related to the research problem. Library research is carried out to obtain a strong theoretical and juridical foundation for analyzing land ownership disputes and their resolution through court decisions. Data analysis in this study is conducted qualitatively, by processing and analyzing the collected legal data systematically, which then serves as the basis for drawing conclusions that address the research questions. Qualitative analysis is carried out by interpreting legal norms, linking them to legal facts contained in court decisions, and assessing the conformity between the application of law and the provisions of applicable agrarian law.

## **DISCUSSION**

### **4.1 General Overview of Agrarian Law in Indonesia in Regulating Ownership and Control of Land Rights**

Agrarian law in Indonesia is a branch of law that regulates legal relations between humans and land as well as the natural resources contained therein. The principal foundation of the national agrarian law system is Law Number 5 of 1960 concerning the Basic Agrarian Principles (the Basic Agrarian Law/UUPA), which was enacted as an effort to eliminate the dualism of colonial land law and to establish an agrarian legal system based on social justice. The UUPA affirms that all land, water, and airspace within the territory of the Republic of Indonesia are controlled by the state as an organization of power representing the entire people. The concept of the “right of control by the state,” as regulated in Article 2 of the UUPA, grants the state authority to regulate and determine the designation, use, and legal relations between legal subjects and land. However, such authority does not abolish individual land rights, provided that such rights are acquired and exercised in accordance with the law.

Within the national agrarian law system, land rights are classified into several types, including Ownership Rights (Hak Milik), Cultivation Rights (Hak Guna Usaha), Building Use Rights (Hak Guna Bangunan), Use Rights (Hak Pakai), and other temporary rights. Among these various types, Ownership Rights constitute the strongest and most complete form of land rights and may only be held by Indonesian citizens and certain legal entities as stipulated by law. Ownership Rights grant their holders the authority to use, benefit from, and defend the land against interference by other parties. To ensure legal certainty, the UUPA mandates the implementation of land registration as regulated in Article 19 of the UUPA. Land registration results in the issuance of an Ownership Rights Certificate (Sertifikat Hak Milik), which serves as strong evidence regarding the physical and juridical data of a parcel of land.

Ownership Rights Certificates are issued by the National Land Agency (Badan Pertanahan Nasional/BPN) through administrative procedures that include land measurement, examination of land history, and public announcements to adjacent landholders. Accordingly, from a juridical perspective, an Ownership Rights Certificate possesses perfect evidentiary value as long as it is not proven otherwise by a court decision with permanent legal force. On the other hand, in social practice, evidence of land control in the form of compensation letters, deeds of transfer of rights, or land statements executed under private hand is still commonly recognized. These documents generally originate from customary law practices or community habits prior to the effective implementation of the land registration system. Sociologically, compensation letters are acknowledged; however, juridically, their legal standing is not equivalent to that of an Ownership Rights Certificate.

A compensation letter essentially serves as proof of the transfer of control or compensation relating to a parcel of land, but it does not automatically establish full ownership rights. Therefore, holders of compensation letters remain obligated to follow up their land control by registering the land in order to obtain stronger legal protection through certification. Failure to carry out land registration often becomes the primary source of land disputes. Land ownership disputes frequently arise when there are conflicting claims between holders of Ownership Rights Certificates and parties controlling land based on compensation letters. In such circumstances, agrarian law positions the certificate as the primary evidence, while still allowing other parties to challenge it through judicial proceedings by proving administrative defects, overlapping rights, or bad faith in the issuance of the certificate.

Courts play a strategic role in resolving agrarian disputes by assessing the evidentiary strength of the evidence presented by the parties. Judges do not merely rely on the existence of a certificate but also evaluate the process of rights acquisition, land history, and compliance with applicable legal procedures. Thus, the resolution of land disputes is not merely formalistic but also substantive in order to achieve justice. Accordingly, agrarian law in Indonesia has provided a clear legal framework governing land ownership and control. However, weak public legal awareness, imperfect land administration in the past, and differences in ownership evidence remain the primary factors triggering land disputes. These conditions necessitate an active role of the judiciary in providing legal certainty and protection for disputing parties.

### **4.2 Factors Causing Land Ownership Disputes between Holders of Ownership Rights Certificates and Holders of Compensation Letters**

Land ownership disputes between holders of Ownership Rights Certificates and holders of compensation letters generally originate from differences in the legal basis of land control relied upon by each party. Holders of Ownership Rights Certificates base their claims on state-issued land administration evidence, whereas holders of compensation letters rely on physical possession and customary or privately executed transfers of rights. These differing bases of claims frequently become sources of conflict that culminate in court disputes. The first factor contributing to such disputes is the lack of orderly land administration in the past. Many parcels of land were transferred through customary mechanisms or private agreements without complying with land registration

procedures as stipulated in the UUPA. As a result, land physically controlled by one party could later be registered by another party and issued an Ownership Rights Certificate without the knowledge of the previous possessor. The second factor is the lack of public legal awareness regarding the importance of land registration. Some members of society believe that compensation letters or land statements acknowledged by village heads are sufficient to prove land ownership. However, juridically, such documents do not provide strong legal certainty because they are not recorded in the national land registration system.

The third factor is overlapping land control and transfers of rights. In practice, it is often found that a single parcel of land has been transferred multiple times to different parties based on different forms of evidence. This condition may arise due to inaccurate registration maps or weak supervision over land transfers at the local level, resulting in multiple ownership claims. The fourth factor is administrative defects in the issuance of Ownership Rights Certificates. Certificates issued by the National Land Agency may be challenged if procedural violations are proven, such as failure to conduct public announcements, inaccurate measurements, or inadequate examination of land history. Such administrative defects are frequently used by holders of compensation letters as grounds to challenge the validity of certificates in court.

The fifth factor is differences in understanding between customary law and positive law. Under customary law, continuous land possession in good faith is often regarded as a legitimate basis of ownership. However, under positive law, land ownership must be proven through certificates issued via clear legal procedures. This paradigm difference leads to conflict when customary law directly confronts the national legal system. The sixth factor is the high economic value of land, particularly in urban areas. Increasing land values encourage the emergence of new claims over land, whether through the issuance of certificates or assertions based on old compensation letters. In such conditions, land is viewed not only as a social asset but also as a highly valuable economic commodity, thereby intensifying disputes among parties.

The seventh factor is weak supervision and coordination among relevant institutions, particularly between village administrations, sub-district offices, and land offices. Poor synchronization of land data results in fragmented information regarding land status, creating opportunities for the issuance of certificates over disputed land or land already controlled by other parties. In disputes between holders of Ownership Rights Certificates and holders of compensation letters, these factors are interrelated and mutually reinforcing. Such disputes are caused not only by differences in evidence but also by weaknesses in the land administration system and low compliance with legal procedures. Therefore, resolving such disputes requires a comprehensive analysis of the juridical, historical, and sociological aspects of land control. Accordingly, the causes of land ownership disputes between holders of Ownership Rights Certificates and holders of compensation letters cannot be viewed in isolation. These disputes represent an accumulation of structural, administrative, and cultural issues in land governance in Indonesia. Understanding these factors is crucial for judges in determining rightful ownership and formulating fair decisions that provide legal certainty.

#### **4.3 Resolution of Land Ownership Disputes between Holders of Ownership Rights Certificates and Holders of Compensation Letters Based on Decision Number 78/Pdt.G/2023/PN Mdn**

The resolution of land ownership disputes between holders of Ownership Rights Certificates and holders of compensation letters in Decision Number 78/Pdt.G/2023/PN Mdn was conducted through civil court proceedings, emphasizing juridical proof of land rights. In this case, the panel of judges assessed the evidentiary strength presented by the parties to determine the party most legally entitled to the disputed land in accordance with national agrarian law. In the *a quo* case, the plaintiff asserted ownership based on an Ownership Rights Certificate issued by the National Land Agency. The certificate was submitted as documentary evidence possessing strong evidentiary value as regulated in Article 19 of Law Number 5 of 1960 concerning the Basic Agrarian Principles. The Ownership Rights Certificate was regarded as the result of land registration intended to provide legal certainty to rights holders.

Meanwhile, the defendant based the ownership claim on a compensation letter indicating factual control and transfer of land. The compensation letter was used to demonstrate that the defendant had controlled the disputed land for a certain period. However, the panel of judges held that a compensation letter essentially constitutes evidence of control or civil transfer of rights rather than proof of officially registered land ownership. In its legal considerations, the panel of judges emphasized that an Ownership Rights Certificate constitutes strong evidence as long as it is issued through lawful procedures and no legal defects in its issuance are proven. In this case, the defendant failed to convincingly prove any administrative defects or procedural violations in the issuance of the plaintiff's Ownership Rights Certificate. Accordingly, the certificate was deemed valid and legally binding.

The judges also considered the principle of legal certainty as a fundamental principle in agrarian law. Legal certainty can only be realized when land rights are recorded and registered in accordance with statutory provisions. In this context, greater legal protection is afforded to parties who have registered their land and obtained Ownership Rights Certificates than to those who rely solely on compensation letters without subsequent registration. Furthermore, the panel of judges held that physical possession of land by the defendant could not automatically override the evidentiary strength of an Ownership Rights Certificate. Physical possession may only be recognized as a basis of rights if accompanied by good faith and supported by lawful legal processes, including land registration. Without registration, physical possession remains temporary and vulnerable to legal disputes.

Ultimately, the Medan District Court Decision Number 78/Pdt.G/2023/PN Mdn granted the plaintiff's claim and declared the plaintiff to be the lawful and rightful owner of the disputed land. This decision reaffirmed the principle that in land ownership disputes, written evidence in the form of an Ownership Rights Certificate holds a primary position unless proven otherwise through strong and lawful evidence. From the perspective of agrarian law, this decision reflects judicial consistency in applying the provisions of the UUPA and its implementing regulations. Judges did not merely rely on formal ownership aspects but also evaluated the process of rights acquisition and compliance with legal procedures. Consequently, this decision not only delivered justice to the parties but also strengthened the land registration system as the primary instrument of legal certainty.

The resolution of the dispute through this decision provides an important lesson to the public that land control must be accompanied by lawful administrative measures. Compensation letters without land registration are prone to future disputes and do not provide maximum legal protection. Therefore, the public is encouraged to proactively register land under their control in order to obtain guarantees of legal certainty and protection. Accordingly, Decision Number 78/Pdt.G/2023/PN Mdn affirms that the resolution of land ownership disputes between holders of Ownership Rights Certificates and holders of compensation letters must prioritize the principles of legal certainty, orderly land administration, and protection of lawfully acquired rights. This decision also serves as an important precedent for the resolution of similar agrarian disputes in the future.

## CONCLUSION

- a. Agrarian law in Indonesia has essentially provided a clear legal framework for regulating land ownership and control through Law Number 5 of 1960 concerning Basic Agrarian Principles. Through the land registration system, the state provides legal certainty and protection for holders of land rights, particularly holders of Ownership Rights (Sertifikat Hak Milik), which constitute the strongest and most complete form of land rights. However, in practice, land control that is not officially registered is still frequently found, giving rise to potential disputes between formal legal evidence and possession based on privately executed documents.
- b. The factors causing land ownership disputes between holders of Ownership Rights Certificates and holders of compensation letters generally stem from disorderly land administration in the past, low levels of public legal awareness, overlapping land control and transfers of land rights, as well as differences in understanding between customary law and positive law. These conditions are further exacerbated by the high economic value of land and weak supervision by relevant institutions, which ultimately trigger conflicting claims of ownership.
- c. The resolution of land ownership disputes between holders of Ownership Rights Certificates and holders of compensation letters, as reflected in the Decision of the Medan District Court Number 78/Pdt.G/2023/PN Mdn, affirms that an Ownership Rights Certificate holds a strong and primary evidentiary position, provided that it is issued through lawful procedures and no legal defects are proven. This decision reflects the application of the principles of legal certainty and orderly land administration, and provides an important lesson that land possession must be accompanied by registration in order to obtain maximum legal protection.

## RECOMMENDATIONS

- a. For the Government and the National Land Agency (Badan Pertanahan Nasional), it is recommended to continuously improve orderly land administration through the acceleration of land registration, the updating of land data, and the strengthening of supervision over the issuance of land certificates in order to prevent overlapping land rights that may potentially lead to disputes.
- b. For the public, particularly parties who control land based on compensation letters or privately executed documents, it is recommended to promptly register their land in accordance with the provisions of the

prevailing laws and regulations in order to obtain maximum legal certainty and protection over the land rights they possess.

- c. For law enforcement officials and judges, it is recommended that in examining and adjudicating land disputes, they should not focus solely on the formal aspects of ownership, but also take into account the historical aspects of land control, the good faith of the parties, as well as the objectives of agrarian law in achieving a balanced realization of justice and legal certainty.

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