

LEGAL PROTECTION FOR HOLDERS OF PROPERTY RIGHTS CERTIFICATES WHO SUFFER LOSSES DUE TO THE ISSUANCE OF DUPLICATE CERTIFICATES BY THE LAND OFFICE

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Abstract

This research is motivated by the continued occurrence of duplicate certificate issuance, which creates legal uncertainty for holders of Ownership Rights Certificates. This research aims to analyze the forms of legal protection available to holders of Ownership Rights Certificates who suffer losses due to the issuance of duplicate certificates, as well as the responsibility of the Land Office for the losses incurred. The research method employed is normative legal research using a statutory approach and a conceptual approach, utilizing primary, secondary, and tertiary legal materials analyzed qualitatively. The results of the research indicate that legal protection is provided through preventive and repressive measures, while the responsibility of the Land Office is manifested through the cancellation of certificates containing administrative defects, the implementation of court decisions, and legal accountability where errors or maladministration are proven to have occurred. However, the practice of issuing duplicate certificates still indicates weaknesses in land administration. Therefore, improvements in accuracy, supervision, and integration of land data are necessary to ensure legal certainty for holders of land rights. The abstract serves as a concise summary of your research paper, highlighting the essential components that provide readers with an overview of your work. It should effectively capture the key issues addressed, the primary objectives of the study, the methods utilized, and the significant results achieved. This summary must be written in a single cohesive paragraph, limited to a maximum of 200 words. Ensure to follow the formatting specifications: use Times New Roman font, size 11, with single spacing, and present it in italics. The goal is to engage the reader while succinctly conveying the importance and impact of your findings.

Keywords: Legal Protection, Duplicate Certificates, Land Rights.

INTRODUCTION

Land has become an essential and inseparable part of human life, as it constitutes a basic human need that supports the continuity of human existence.[1] As a source of prosperity, welfare, and livelihood, the management of land is the responsibility of the state, as mandated by Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which stipulates that "The land and waters and the natural resources contained therein shall be controlled by the State and utilized for the greatest prosperity of the people." Prosperity and welfare constitute an inseparable unity. Prosperity and welfare can be properly achieved when they are enjoyed equitably by the community.[2]

From a legal perspective, land constitutes an object that requires legal certainty in order to provide protection for the rights of its holders. Legal certainty regarding land ownership is realized through a land registration system aimed at providing legal certainty, commonly known as *rechts cadaster/legal cadaster*. The legal certainty to be achieved through land registration encompasses certainty regarding the status of the registered right, certainty regarding the subject of the right, and certainty regarding the object of the right.[3] Through the Basic Agrarian Law, the State has stipulated that land registration constitutes the primary instrument for ensuring such legal certainty. Land rights certificates subsequently serve as legal instruments that function as valid evidence of ownership. However, in practice, the land administration system in Indonesia continues to face various problems that give rise to legal uncertainty for the public.

In the implementation of land registration, holders of land rights are provided with a certificate as evidence of their rights, through which a person can readily prove that they are the rightful holder of the land concerned.[1] Article 19 of the Basic Agrarian Law (UUPA) affirms the State's obligation to conduct land registration throughout the territory of the Republic of Indonesia.[2] This provision is reinforced by Government Regulation Number 24 of

1997 concerning Land Registration, which stipulates that a certificate constitutes written evidence of land rights and serves as strong evidentiary proof. The existence of a certificate provides a guarantee for the rights holder to defend their rights against claims by other parties. However, the evidentiary strength of a certificate is not absolute if it can be proven that there are administrative defects or procedural errors in its issuance. Under such circumstances, the certificate may become the subject of a dispute that ultimately leads to ownership conflicts. This situation indicates that the land registration system has not yet fully succeeded in establishing the legal certainty as expected.

Agrarian issues in Indonesia have never been free from conflicts, particularly those concerning land ownership disputes. One of the most common forms of dispute is the emergence of duplicate certificates over the same parcel of land.[3] A duplicate certificate refers to a situation in which two or more land rights certificates are issued for the same parcel of land, whether due to administrative errors, overlapping control or possession, or procedural irregularities committed by the Land Office.[4] Such circumstances give rise to ownership conflicts that cause losses to the parties involved, particularly certificate holders who legally consider themselves to possess valid rights over the land concerned. Disputes involving duplicate certificates also frequently trigger prolonged litigation, resulting in significant expenditure of time, costs, and effort. This issue demonstrates the existence of structural weaknesses in land administration governance that require serious attention.

Cases involving duplicate certificates not only give rise to ownership conflicts but also undermine the integrity of the national land registration system. The issuance of duplicate certificates has serious legal consequences, including the loss of legal certainty for rights holders, the potential for prolonged disputes, material and immaterial losses suffered by the parties involved, and declining public trust in land administration institutions. Supreme Court Decision Number 423 K/Pdt/2017 stipulates that the issuance of duplicate certificates constitutes a violation of the principle of *contradictoire delimitatie* and is contrary to Article 32 of Government Regulation Number 24 of 1997, thereby allowing one or even both certificates to be annulled.[1] Such circumstances are contrary to the principle of legal certainty, which constitutes one of the fundamental pillars of a state governed by the rule of law. Therefore, legal protection for certificate holders who suffer losses has become an urgent issue that requires in-depth examination.

In this regard, the Land Office, or the National Land Agency (BPN), is the institution vested with the authority to administer land registration in order to ensure legal certainty, as mandated by Article 19 paragraph (1) of the Basic Agrarian Law (UUPA) of 1960, which is technically implemented pursuant to Government Regulation Number 24 of 1997 concerning Land Registration.[2] In carrying out its administrative functions, the Land Office is required to apply the principles of prudence, accountability, and professionalism. If an error occurs in the issuance of a certificate resulting in the issuance of duplicate certificates, questions arise concerning the form of legal responsibility that may be imposed on the institution. From a legal perspective, such responsibility may be associated with the concept of an unlawful act committed by a state administrative body or official. On the other hand, the losses suffered by rights holders necessitate an effective and fair remedial mechanism. This is essential to ensure concrete legal protection for the public.

In civil law studies, the issuance of duplicate certificates may be analyzed through the concept of an unlawful act as regulated under Article 1365 of the Indonesian Civil Code, which provides that any unlawful act that causes loss to another person obliges the person whose fault caused the loss to compensate for such loss.[1] If the issuance of duplicate certificates is caused by administrative negligence or actions that fail to comply with established procedures by the Land Office, such circumstances may potentially give rise to civil liability. An aggrieved rights holder may seek compensation as well as restoration of their land rights through the available legal mechanisms. However, in practice, proving the elements required to establish such liability is often difficult. This complexity makes the study of the civil liability of the Land Office relevant for further examination.

One case that reflects this legal issue and has attracted public attention was reported by BBC Indonesia, concerning a land dispute experienced by residents following the emergence of two certificates for the same parcel of land. The duplicate certificate case in Setia Mekar, South Tambun, Bekasi Regency, originated from a land transaction involving land that was initially owned by Djuju Sariabanon Dolly. Based on the historical sequence revealed in the report, the land was sold to Abdul Hamid in 1976 and subsequently became the subject of another transaction in 1982 involving Kayat through an intermediary, Bambang Haryanto. Thereafter, an ownership dispute arose because each party had a different basis for claiming rights over the same parcel of land. The parties involved in the dispute included Mimi Jamilah, as the heir of Abdul Hamid; Kayat and his family; as well as residents who subsequently occupied and purchased land in the Cluster Setia Mekar Residence 2 area, including Yealdi, who stated that he had purchased the land from Hidayat Pujo Santoso based on a Certificate of Ownership registered in the name of his father, Adam Karana.

The dispute was subsequently brought before the court in 1996 and was adjudicated through the Decision of the Bekasi District Court Number 128/PDT.G/1996/PN.BKS dated March 25, 1997, which recognized Mimi Jamilah as the party entitled to the land in question. Nevertheless, in practice, a certificate had been issued over the land in the name of another party, and the land had been occupied by residents for many years. Consequently, on January 30, 2025, the Cikarang District Court carried out an eviction and vacant-possession enforcement against the residents' houses in Cluster Setia Mekar Residence 2. During the process, Darman Simanjuntak from the Bekasi Regency Land Office/National Land Agency (BPN) explained that the issuance of certificates was carried out through land measurement, document verification, and examination of land boundaries. However, the fact that enforcement was carried out against an object that had been occupied by residents indicates the existence of serious problems in land administration, which have implications for the issuance of duplicate certificates and legal uncertainty for rights holders.[1]

This research is important to identify the forms of legal protection available to holders of Ownership Rights Certificates who have suffered losses. In addition, this research aims to examine the extent to which the Land Office may be held legally responsible for the losses incurred. The findings of this research are expected to provide recommendations for improving land administration mechanisms. This research may also serve as a reference for law enforcement authorities in resolving similar disputes.

From an Islamic perspective, the protection of property rights and the enforcement of justice are important principles that must be realized in social life. Allah SWT states in Surah An-Nisa, verse 58:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ ۚ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ۗ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا ﴿٥٨﴾

Translation: “Indeed, Allah commands you to render trusts to whom they are due and, when you judge between people, to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is All-Hearing, All-Seeing.”

Based on the foregoing description, it can be understood that the issue of duplicate certificates constitutes a complex legal problem that directly affects the protection of the civil rights of the public. The legal uncertainty arising from the issuance of duplicate certificates requires a comprehensive analysis of the mechanisms of legal protection and the forms of responsibility of the Land Office. This study is important to address the public's need for legal certainty regarding the land they own. Based on the foregoing background, the researcher is interested in examining “**Legal Protection for Holders of Ownership Rights Certificates Who Suffer Losses Due to the Issuance of Duplicate Certificates by the Land Office,**” by addressing the following research questions:

- a. How is legal protection provided to holders of Ownership Rights Certificates who suffer losses due to the issuance of duplicate certificates by the Land Office?
- b. What is the responsibility of the Land Office for the losses suffered by holders of Ownership Rights Certificates as a result of the issuance of duplicate certificates?

RESEARCH METHOD

a. Nature and Objectives of the Research

This research is descriptive-analytical in nature, namely research that aims to provide a systematic description of the legal issues under investigation while simultaneously analyzing them based on the applicable legal provisions. The descriptive nature of the research is used to describe the phenomenon of duplicate certificate issuance, which gives rise to disputes and legal uncertainty within society. Meanwhile, the analytical nature is used to examine the forms of legal protection available to rights holders and the legal responsibility of the Land Office for the losses incurred. This research aims to determine the forms of legal protection that can be provided to holders of Ownership Rights Certificates who suffer losses as a result of the issuance of duplicate certificates. In addition, this research also aims to analyze the responsibility of the Land Office for the losses suffered by holders of land rights. Thus, this research is expected to contribute to the development of legal scholarship, particularly in the fields of civil law and agrarian law.[1]

b. Type of Research

The type of research employed is normative legal research using a statutory approach (*statute approach*) and a conceptual approach (*conceptual approach*). The statutory approach is used to examine various regulations relating to the protection of land rights and the issuance of certificates, including the Indonesian Civil Code, Law Number 5 of 1960 concerning Basic Agrarian Principles, and Government Regulation Number 24 of 1997 concerning Land Registration. Meanwhile, the conceptual approach is used to examine legal theories and the opinions of legal scholars concerning legal protection, legal certainty, legal responsibility, and unlawful acts. Through these two approaches,

this research is expected to provide a comprehensive analysis of the legal protection afforded to holders of land certificates who suffer losses as a result of duplicate certificates. Thus, this research not only discusses the applicable legal norms but also relates them to relevant legal concepts and theories.

c. Sources of Data and Legal Materials

The sources of data in this research consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include legislation relating to land law and civil law, such as Law Number 5 of 1960 concerning Basic Agrarian Principles, the Indonesian Civil Code, Government Regulation Number 24 of 1997 concerning Land Registration, as well as other relevant laws and regulations. Secondary legal materials consist of books, scientific journals, previous research findings, and expert opinions relating to legal protection, duplicate certificates, and legal responsibility. Meanwhile, tertiary legal materials include legal dictionaries, legal encyclopedias, and online sources from official government websites and academic institutions, which serve to support the understanding of primary and secondary legal materials. The use of these three types of legal materials aims to obtain comprehensive, relevant, and academically accountable data as the basis for analyzing the research problems.[1]

d. Data and Legal Materials Collection Techniques

The data collection method is adjusted to the data sources used by the researcher to support the research conducted. Therefore, data collection techniques are carried out through library research by examining relevant legal literature in both printed and digital forms. This process includes searching for, collecting, and examining legislation, books, scientific journals, and other sources relating to legal protection for holders of Ownership Rights Certificates who suffer losses as a result of the issuance of duplicate certificates by the Land Office. In addition, data are obtained through academic databases such as Google Scholar and legal e-journal portals of universities in Indonesia. This technique is selected because it is consistent with the characteristics of normative legal research, which places greater emphasis on the examination of legal norms and legal theories rather than empirical data.[2]

e. Data and Legal Materials Processing Techniques

The data and legal materials that have been collected are processed through the stages of classification, systematization, and interpretation. Classification is carried out by grouping legal materials according to their type and relevance to the research problems, while systematization is carried out by arranging the legal materials systematically according to the focus of the research. Subsequently, the provisions of legislation are interpreted using grammatical, systematic, and teleological methods of interpretation in order to obtain a comprehensive understanding of the legal norms under examination. The processed legal materials are then analyzed descriptively and analytically by describing the legal norms and relating them to legal theories, doctrines, and developing practices. The results of the processing of legal materials are subsequently arranged deductively, namely by drawing conclusions from general provisions toward specific issues, thereby producing conclusions that are logical and scientifically accountable.[3]

f. Analysis of Data and Legal Materials

The analytical method employed in this research is qualitative analysis using a juridical approach, namely through the interpretation of the legal materials that have been collected and processed. The analysis is conducted by interpreting and relating legislation, legal theories, and expert opinions concerning legal protection for holders of Ownership Rights Certificates who suffer losses as a result of the issuance of duplicate certificates. In addition, the analysis focuses on the concepts of legal responsibility and unlawful acts in relation to administrative errors committed by the Land Office. All legal materials are analyzed systematically and logically to answer the research questions concerning the forms of legal protection and the responsibility of the Land Office for the losses suffered by holders of land rights. The results of the analysis are then formulated in the form of structured legal arguments so as to produce conclusions that are scientifically accountable.[1]

g. Method of Drawing Conclusions

The drawing of conclusions in legal research can be divided into two methods, namely the deductive and inductive methods of drawing conclusions. This legal research employs the deductive method, which involves drawing conclusions from matters of a general nature toward matters of a specific nature. The research begins by examining general theories concerning legal protection, legal certainty, legal responsibility, and land law, which are then related to the issue of duplicate certificate issuance by the Land Office. This deductive approach is employed to ensure that the research findings have a strong legal basis and are consistent with the principles of applicable positive law. Accordingly, the conclusions drawn are expected to make a meaningful contribution to strengthening legal certainty in the fields of contract law and agrarian law.[2]

DISCUSSION

a. Forms of Legal Protection for Holders of Ownership Rights Certificates Who Suffer Losses Due to the Issuance of Duplicate Certificates by the Land Office

Legal protection constitutes an effort provided by the State to every citizen to ensure the fulfillment of their rights in accordance with the applicable legal provisions. According to Philipus M. Hadjon, legal protection is divided into preventive legal protection and repressive legal protection. Preventive legal protection aims to prevent disputes from occurring through a proper administrative system, whereas repressive legal protection is provided after a violation of rights has occurred through dispute resolution mechanisms.[1] In the land sector, legal protection is realized through the implementation of land registration as mandated by Article 19 of Law Number 5 of 1960 and further regulated under Government Regulation Number 24 of 1997 concerning Land Registration. Through this system, certificates are issued as strong evidence of land ownership, thereby providing legal certainty and reducing the potential for disputes. Thus, legal protection and legal certainty are two interrelated concepts in safeguarding the rights of holders of Ownership Rights Certificates.

In practice, the issuance of duplicate certificates continues to occur due to various factors. These factors can be divided into two categories, namely:[2]

1) Internal Institutional Factors (BPN and Administration)

- a) Weaknesses in the System and Coordination**, including the lack of data integration between the Central BPN, Regional Offices, and Regency/City Land Offices.
- b) Negligence and Human Error**, including a lack of diligence by officials in verifying data, data entry errors, and incorrect recording of names or certificate numbers.
- c) Violations of Law**, including abuse of authority, data manipulation, and bribery practices by internal officials for the purpose of issuing illegal certificates.

2) External Factors (Society, Law, and Environment)

- a) Illegal Actions by Third Parties**, including the intentional falsification of documents or identities by irresponsible parties for the purpose of making unilateral claims.
- b) Post-Transaction Negligence**, namely the failure of the new owner to update land ownership data after the completion of a sale and purchase transaction.
- c) Socio-Geographical Conditions (Rural/Traditional Areas)**, particularly traditional or customary land ownership that has not been properly documented within the national land administration system.
- d) Socio-Economic Conditions (Urban Areas)**, particularly densely populated areas where land subdivision or changes in land status may occur unofficially and without proper registration.

These conditions demonstrate that the land administration system has not yet fully succeeded in guaranteeing legal certainty as mandated by the Basic Agrarian Law (UUPA) and Government Regulation Number 24 of 1997. Certificates, which were originally intended to serve as strong evidence, may instead become a source of disputes when two or more certificates are issued for the same parcel of land. This situation causes certificate holders acting in good faith to lose legal certainty regarding their rights. In addition to causing material losses, the issuance of duplicate certificates may also undermine the public's sense of justice toward the administration of the State. Therefore, legal protection should not be realized solely through the issuance of certificates but must also be accompanied by effective supervision of the entire land administration process.

The land dispute case in Setia Mekar Village, South Tambun District, Bekasi Regency, constitutes a concrete example demonstrating that the issuance of a land certificate does not necessarily guarantee legal certainty for the rights holder. In this case, Yealdi purchased a 150 m² parcel of land from Hidayat Pujo Santoso in 2015 through a Deed of Sale and Purchase and obtained Ownership Rights Certificate Number 121109 issued by the Bekasi Regency Land Office. For nearly ten years, Yealdi possessed and utilized the land by constructing a house and a workshop as a source of livelihood for his family. However, in January 2025, the house and other buildings were subject to an enforcement of eviction pursuant to the Decision of the Bekasi District Court Number 128/Pdt.G/1996/PN.BKS, which had obtained permanent legal force, because the land was declared to belong to the heirs of H. Abdul Hamid, namely Mimi Jamilah.

The origin of the dispute can be traced to the transfer of rights over Ownership Rights Certificate Number 325/Jatimulya, which had previously been lawfully sold by R. Juju Saribanon Dolly to H. Abdul Hamid in 1976, but the certificate had not yet been transferred into the buyer's name. Subsequently, the certificate was used as collateral for a debt owed by Bambang Haryanto to Kayat, who later entered into another sale and purchase transaction with Juju in 1982 and subdivided the certificate into four new certificates, namely Ownership Rights Certificates Numbers 704, 705, 706, and 707 of Setia Mekar Village. The court subsequently declared that the 1982 sale and purchase

transaction, together with all subsequent transfers of rights and subdivision of the certificate, had no legal force because they contradicted the valid sale and purchase transaction conducted in 1976. Consequently, parties who acquired the land in good faith, such as Yealdi, nevertheless suffered losses despite possessing a certificate issued by the Land Office.

According to the researcher, this case demonstrates that preventive legal protection as mandated by Article 3 of Government Regulation Number 24 of 1997 concerning Land Registration has not been optimally implemented. The purpose of land registration is to provide legal certainty and legal protection to rights holders through careful examination of physical and juridical data prior to the issuance of a certificate. However, the fact that land which had been judicially determined to belong to H. Abdul Hamid subsequently became the subject of several new certificates, eventually resulting in the issuance of an Ownership Rights Certificate to Yealdi, indicates weaknesses in land data management and the verification of the history of land rights. This condition resulted in a good-faith party becoming a victim of administrative errors that had previously occurred. Therefore, preventive legal protection should not merely be realized through the issuance of certificates, but must also be supported by an accurate, orderly, and integrated land administration system capable of ensuring legal certainty for every rights holder.

This analysis is also consistent with the opinion of the Head of the Advocacy Department of the Consortium for Agrarian Reform (KPA), Roni Septian, who stated that the issue of duplicate certificates had reached a concerning level and occurred in almost all regions of Indonesia. According to him, one of the main causes of duplicate certificates is the lack of diligence among land administration officials in examining ownership documents and the physical condition of the land in the field. Officials are considered to rely excessively on administrative documents without ensuring the consistency between juridical data and the actual physical possession of the land, thereby creating opportunities for overlapping certificates. Furthermore, Roni argued that limited human resources at the Land Office and alleged land mafia practices further increase the risk of maladministration in the land registration process. Although this view was disputed by the Head of the Bekasi Regency ATR/BPN Office, Darman Simanjuntak, who stated that every certificate issuance had undergone stages of measurement, document examination, and public notification, the fact that numerous cases of duplicate certificates continue to be found indicates that these mechanisms have not been fully effective in preventing the emergence of land conflicts. Thus, the differing views between the KPA and ATR/BPN demonstrate the need for a comprehensive evaluation of the land administration system so that the objective of legal certainty as mandated by the Basic Agrarian Law (UUPA) and Government Regulation Number 24 of 1997 can truly be realized.[1]

Legal protection for certificate holders can also be observed from the provisions of Article 32 of Government Regulation Number 24 of 1997 concerning Land Registration. Article 32 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration stipulates that a certificate constitutes written evidence of rights and serves as strong evidentiary proof concerning the physical and juridical data contained therein. This provision demonstrates that the State recognizes the certificate holder as the party possessing rights over the land unless proven otherwise. The term “strong evidentiary proof” means that the contents of a certificate must be presumed to be correct until a court decision establishes otherwise. Accordingly, a certificate provides a stronger legal position than other forms of evidence in land disputes. However, such evidentiary strength is not absolute because a certificate may still be annulled if administrative or legal defects are found in the process of its issuance. Therefore, legal protection for certificate holders must remain balanced with strict supervision of the land administration process.[2]

In addition to providing evidentiary strength to certificates, Article 32 paragraph (2) of Government Regulation Number 24 of 1997 also provides protection to certificate holders who acquire land in good faith. The provision stipulates that if a certificate has been lawfully issued and its holder acquired the land in good faith and exercises actual possession over the land, another party claiming to have rights over the land may no longer demand enforcement of such rights if, within five years from the issuance of the certificate, they fail to submit a written objection to the certificate holder or the Land Office, or fail to file a lawsuit with the court. This provision is intended to create legal certainty for good-faith rights holders. However, in practice, this provision often gives rise to debate when a certificate is issued based on defective procedures or when administrative negligence is involved. Therefore, the application of Article 32 paragraph (2) must be carried out carefully so as not to eliminate the rights of another party who actually has a stronger legal basis of ownership. Accordingly, the principle of good faith constitutes one of the important elements in determining the party entitled to legal protection.[1]

Legal protection is not only provided through judicial mechanisms but may also be pursued through administrative channels. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency has regulated mechanisms for resolving land disputes through Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning the Handling and Resolution of Land

Cases. This regulation grants authority to the Land Office to receive public complaints, examine physical and juridical data, and take administrative measures if errors are found in the issuance of certificates. Through this mechanism, members of the public are not necessarily required to pursue litigation if the dispute can still be resolved administratively. The existence of this administrative mechanism demonstrates the State's efforts to provide legal protection that is faster, simpler, and more efficient for the public. Therefore, resolution through the Land Office should serve as an initial step before a dispute develops into court proceedings.[2]

If resolution through administrative mechanisms does not result in a fair settlement, an aggrieved certificate holder may pursue legal remedies through the courts by filing a lawsuit with the Administrative Court (*Pengadilan Tata Usaha Negara* or PTUN). This is based on Articles 48 and 51 of Law Number 5 of 1986 concerning Administrative Courts. In practice, lawsuits concerning duplicate certificate disputes may be brought before the High Administrative Court, considering that their nature and scope fall outside the jurisdiction of the first-instance Administrative Court.[3]

In duplicate certificate disputes, the court has the authority to assess the validity of the certificate issuance process, the evidentiary strength of the parties, and determine the party entitled to the land in question. Judges do not merely assess the existence of a certificate as formal evidence but also consider the process through which the certificate was obtained, the history of the land, actual physical possession, and the good faith of the parties. Therefore, a court decision constitutes an important instrument for providing legal protection to rights holders who have genuinely suffered losses. If administrative defects in the issuance of a certificate are proven, the court may order the cancellation of the certificate and restore the rights of the aggrieved party. Thus, judicial mechanisms function as a form of repressive legal protection that ensures the fulfillment of the community's sense of justice.

Article 19 paragraph (1) of the Basic Agrarian Law (UUPA) also stipulates that the primary objective of land registration is to provide legal certainty and legal protection to land rights holders so that members of the public can obtain a sense of security in using and utilizing their land. Therefore, any administrative error that results in the issuance of duplicate certificates constitutes a failure in the implementation of the land registration system. Under such circumstances, members of the public should not bear the consequences of administrative negligence committed by land administration officials. The researcher is of the view that legal protection should not only be provided after a dispute has arisen but should also be realized through improvements in the quality of land administration services, digitalization of land data, and national synchronization of land parcel maps. These measures are important to prevent the issuance of overlapping certificates. Accordingly, preventive legal protection has a position equally important to repressive legal protection in establishing legal certainty in the land sector.[4]

Based on an analysis of the applicable legislation and legal doctrines, legal protection for holders of Ownership Rights Certificates who suffer losses as a result of the issuance of duplicate certificates is essentially provided in two forms, namely preventive protection and repressive protection. Preventive protection is realized through orderly land registration, careful examination of data, and supervision of the certificate issuance process. Meanwhile, repressive protection is provided through administrative dispute resolution within the ATR/BPN framework and through legal proceedings before the courts to obtain the cancellation of defective certificates and restoration of land rights. These two forms of protection complement each other in ensuring legal certainty for the public. Nevertheless, the effectiveness of such protection remains dependent on the professionalism of land administration officials and the consistency of law enforcement by the competent institutions. A strong commitment from the Government is required to continuously improve the land administration system so that the objectives of land registration as mandated by the Basic Agrarian Law can be achieved optimally.

b. Responsibility of the Land Office for Losses Suffered by Holders of Ownership Rights Certificates as a Result of the Issuance of Duplicate Certificates

Legal responsibility constitutes a consequence that must be borne by every legal subject for actions or decisions that cause losses to another party. In the administration of land registration, the Land Office has the authority to issue land certificates. In carrying out this authority, the Land Office is responsible for the entire process, from the initial stage of land registration to the final issuance of the land certificate. The Land Office is also responsible for ensuring that the land certificates it issues are free from any legal or administrative problems.[1] Therefore, if an administrative error occurs in the exercise of such authority and results in the issuance of duplicate certificates, the Land Office may be held legally responsible in accordance with the applicable legal provisions.

The legal basis for the authority of the Land Office in administering land registration is regulated under Law Number 5 of 1960 concerning Basic Agrarian Principles and Government Regulation Number 24 of 1997 concerning Land Registration. Article 19 of the Basic Agrarian Law (UUPA) stipulates that the Government administers land

registration to ensure legal certainty, while Government Regulation Number 24 of 1997 regulates the certificate issuance procedure through stages including the collection of physical data, examination of juridical data, registration of rights, issuance of certificates, and maintenance of land data.[2] These provisions demonstrate that the issuance of a certificate is not merely an ordinary administrative act but rather a process that must be carried out carefully and in an accountable manner.

The responsibility of the Land Office may also be analyzed under Article 1365 of the Indonesian Civil Code concerning unlawful acts. This provision stipulates that any unlawful act that causes loss to another person obliges the party whose fault caused such loss to provide compensation. The elements of an unlawful act include the existence of an act, the unlawful nature of the act, fault, the occurrence of loss, and a causal relationship between the act and the resulting loss. In cases involving duplicate certificates, the issuance of a certificate without careful examination may fulfill the element of fault if it is proven to have violated land administration procedures. Losses suffered by members of the public, such as the loss of land, buildings, and expenses incurred, may constitute direct consequences of such actions. Therefore, the Land Office may be sued for committing an unlawful act in the form of negligence in carrying out its duties of verification and land data management, resulting in the issuance of duplicate certificates and causing losses to the lawful rights holder.[3]

The land dispute case in Setia Mekar Village, Bekasi Regency, demonstrates that the responsibility of the Land Office cannot be separated from the certificate issuance process that forms the basis for land possession by members of the public. Yealdi obtained an Ownership Rights Certificate issued by the Bekasi Regency Land Office through a lawful sale and purchase transaction and possessed the land for many years. However, the enforcement of the court decision declaring the land to be the lawful property of Mimi Jamilah caused the certificate held by Yealdi to lose its legal basis and resulted in both material and immaterial losses.

The Head of the Bekasi Regency ATR/BPN Office, Darman Simanjuntak, explained that administratively, his office merely recorded the transfer of rights registered in 1982 from Juju Saribanon Dolly to Kayat, while the 1976 Deed of Sale and Purchase between Juju Saribanon Dolly and H. Abdul Hamid had never been registered and therefore was not recorded in the land administration system. This explanation may be administratively understood because the land registration system operates based on data recorded in the land register. Nevertheless, such an argument does not entirely eliminate the responsibility of the Land Office if it is subsequently discovered that the basis for the issuance of the certificate originated from a transfer of rights that had been declared invalid by a court. Moreover, the Head of the Bekasi Regency ATR/BPN Office acknowledged that his office was unaware of the 1997 Decision of the Bekasi District Court because it was not a party to the proceedings. According to the researcher's analysis, this condition demonstrates that coordination between the judiciary and land administration institutions in updating land administration data following a final and binding court decision has not been optimal. Consequently, outdated land data may potentially serve as the basis for the issuance of new certificates, ultimately causing losses to members of the public who acted in good faith.

On the other hand, the Head of the Advocacy Department of the Consortium for Agrarian Reform (KPA), Roni Septian, argued that the widespread occurrence of duplicate certificates in Indonesia is caused by insufficient diligence among land administration officials in examining physical and juridical data before issuing certificates. According to him, there are still officials who rely solely on administrative documents without conducting comprehensive field inspections, thereby creating opportunities for overlapping land rights. Roni also stated that limited human resources and alleged land mafia practices further increase the risk of maladministration in the administration of land affairs. This view was disputed by ATR/BPN, which stated that all procedures had been carried out in accordance with the applicable provisions, beginning with measurement, document examination, and public notification. However, according to the researcher's analysis, the continuing occurrence of numerous duplicate certificate cases demonstrates that formal procedures do not necessarily guarantee legal certainty if their implementation is not accompanied by careful verification of the legal history of the land. Therefore, an evaluation of the quality of land administration services is necessary to ensure that the objectives of land registration are genuinely achieved.

If administrative errors are proven to have occurred in the certificate issuance process, the Land Office has an administrative responsibility to take corrective measures within the scope of its authority. Such responsibility may take the form of re-examining land data, cancelling certificates issued unlawfully, correcting juridical or physical data, and implementing court decisions that have obtained permanent legal force. Provisions concerning the resolution of land cases are regulated under Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning the Handling and Resolution of Land Cases. Through this mechanism, the Land Office functions not only as an institution that issues certificates but also as an institution

responsible for restoring orderly land administration when errors occur. According to the researcher's analysis, the implementation of administrative responsibility must be carried out promptly and transparently so as to prevent further losses to the public. Thus, the existence of an administrative mechanism constitutes a form of government accountability in providing legal protection to holders of land rights.[4]

The responsibility of the Land Office also needs to be analyzed based on the jurisprudence of the Supreme Court, which consistently provides guidance in resolving duplicate certificate disputes. In Supreme Court Decisions Number 976 K/Pdt/2015, Number 290 K/Pdt/2016, and Number 143 PK/Pdt/2016, it is affirmed that when two or more certificates exist for the same parcel of land, the certificate issued earlier generally has stronger evidentiary force, provided that it was lawfully issued and does not contain legal defects. This legal principle demonstrates that the chronology of certificate issuance constitutes one of the important considerations in determining the validity of land rights. However, the Supreme Court does not merely consider the date of certificate issuance but also examines the validity of the acquisition process, the history of the land, and whether there are administrative defects in its issuance. According to the researcher's analysis, this jurisprudence provides guidance for the Land Office to exercise greater caution in examining the history of land rights before issuing a new certificate. Thus, the application of the principle of prudence constitutes an integral part of the legal responsibility of the Land Office.[1]

Based on the foregoing discussion, it can be understood that the responsibility of the Land Office for losses suffered by holders of Ownership Rights Certificates as a result of the issuance of duplicate certificates is not limited to the issuance of certificates but also includes the obligation to ensure that the entire land registration process has been carried out in accordance with the applicable legal provisions. If an administrative error occurs that results in the issuance of duplicate certificates, the Land Office is obliged to take administrative measures in the form of re-examination, cancellation of certificates containing legal defects, and implementation of court decisions that have obtained permanent legal force. In addition, if such errors are proven to have caused losses to members of the public, the possibility of civil liability remains open pursuant to Article 1365 of the Indonesian Civil Code. According to the researcher's analysis, the Setia Mekar case demonstrates that the primary problem does not lie in the lack of legal regulation, but rather in the inadequate coordination among institutions, updating of land data, and supervision of the implementation of land administration. Therefore, reform of the land administration system through the digitalization of land data, integration of information between the courts and ATR/BPN, and improvement of the professionalism of officials constitutes an urgent measure to minimize the occurrence of duplicate certificates in the future. Accordingly, the responsibility of the Land Office should not be understood merely as a legal obligation arising after a dispute occurs, but also as a preventive responsibility to ensure legal certainty and protect the rights of the public from the commencement of the land registration process.

CONCLUSION

Based on the results of the research, it can be concluded that legal protection for holders of Ownership Rights Certificates who suffer losses as a result of the issuance of duplicate certificates is provided through preventive and repressive legal protection. Preventive protection is implemented through land registration in accordance with Law Number 5 of 1960 and Government Regulation Number 24 of 1997, while repressive protection is pursued through administrative dispute resolution and judicial proceedings. However, the case in Setia Mekar Village, Bekasi Regency, demonstrates that such legal protection has not been optimally implemented due to weaknesses in land administration, which continue to cause losses to good-faith certificate holders.

Furthermore, the Land Office bears administrative and legal responsibility if it is proven to have committed errors or maladministration in the issuance of duplicate certificates. Such responsibility is realized through the cancellation of legally defective certificates, updating of land data, implementation of court decisions, and the provision of compensation in accordance with the applicable legal provisions. These measures are important to ensure legal certainty and legal protection for holders of land rights.

Recommendations

1. Based on the results of the research, the researcher recommends that the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) improve the accuracy and diligence of the land registration process, strengthen the land administration system through the digitalization of land data, and enhance coordination with judicial institutions in following up on court decisions. These efforts are expected to prevent the issuance of duplicate certificates and provide legal certainty for the public.
2. In addition, members of the public who intend to conduct land sale and purchase transactions should verify the legal status and validity of the certificate through the Land Office before completing the transaction.

Future researchers are expected to examine the responsibility of the State in providing compensation to victims of duplicate certificates, as well as the effectiveness of electronic land certificates in preventing overlapping land rights.

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