

Responsibility of the National Land Agency Regarding Overlapping Land Ownership Certificates (A Study at the Malang City Land Office)

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ABSTRACT

Land is a crucial social and economic asset that often triggers ownership disputes due to unclear boundaries and overlapping rights. Legal certainty in land ownership is mandated by the Basic Agrarian Law (UUPA) and Government Regulation No. 24 of 1997 concerning land registration. However, overlapping land ownership certificates remain a persistent issue in Indonesia, including at the Malang City Land Office. This problem arises from various factors such as applicants' bad faith, lack of legal awareness among landowners, incomplete land registration data, and administrative errors by National Land Agency (BPN) officials. This study aims to analyze the legal responsibilities of the National Land Agency in addressing overlapping land ownership certificates and to identify preventive measures to strengthen land administration. Using an empirical legal research method, the study collects data through interviews with land office officials, document reviews, and field observations to examine both procedural and administrative aspects of overlapping certification cases. The findings indicate that the Malang City Land Office bears partial responsibility for ensuring the validity and accuracy of land registration processes. Weak verification systems, inadequate coordination among officials, and limited public education contribute to recurring overlaps. The study suggests that the BPN must enhance its verification mechanisms, update cadastral maps, and strengthen community awareness programs to minimize future disputes. The implications of this research emphasize the importance of institutional accountability and proactive governance in realizing legal certainty, transparency, and public trust in Indonesia's land administration system.

KEYWORDS



National Land Agency, overlapping land ownership, legal certainty, land registration, Malang City Land Office.

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INTRODUCTION

Land is a basic need for all citizens, this can be seen from the desire of individuals to acquire new land or maintain the land they currently own (Borras Jr & Franco, 2025). Soil is an essential object in daily life in society. On the other hand, land is the most important resource for all fields, especially those related to physical construction, such as agriculture, forestry, mining, manufacturing, and transportation, which require land (Jain et al., 2025; Swain & Mohapat, 2024). Due to the increasing need for land, this often leads to conflicts in the community, either in the form of land ownership, land ownership, or land use (Beriozovas et al., 2024).

In Article 4 paragraph (1) of Law Number 5 of 1960 related to the Basic Regulations on Agrarian Principles, commonly known as the UUPA, "Land is the surface of the earth that can be given to and owned by people, either alone or together with other people and legal entities. Related to this, the State is obliged to provide legal certainty in the land sector by registering land."

In line with what is stated in UUPA Article 19 paragraph (1), namely: "To ensure legal certainty by the government, land registration is held throughout the territory of the Republic

of Indonesia in accordance with the provisions regulated by government regulations" the provisions of article 19 paragraph (1) of the UUPA is a policy that requires the government to register land in all regions of Indonesia.

Legal certainty related to land rights refers to clarity that focuses on the land sector, especially related to ownership or control. Clarity will be provided through legal certainty related to land rights, which contains:

- a. Certainty related to the subject of the right, namely, certainty in individuals or legal entities who have land rights.
- b. Certainty related to the object, namely, certainty about its location, boundaries, extent, and whether or not additional rights are imposed and so on.

It is important to have legal certainty regarding these two things, especially when there is a dispute in the law related to land rights (Salim, Tehupeiory, Pieris, & Widiarty, 2024; Soewito & Djajaputra, 2024). As a follow-up action, the Government issued Government Regulation No. 24 of 1997 concerning Land Registration, hereinafter abbreviated as PP No.24 of 1997 (Putri & Noor, 2024).

According to the regulation, it was concluded that "Legal certainty related to land rights is in line with what is mandated by the UUPA contains two dimensions, the certainty of the object of land rights and the certainty of the subject of land rights (Kalyana & Budidarmo, 2025; Miptahuddin, 2024). The certainty of the object of land rights is shown by the certainty of the location of the land plot at the georeference coordinates on the land registration map, on the other hand the certainty of the subject of land rights is indicated by the name of the land rights holder contained in the land registration book at the land agency."

Land registration is carried out to provide legal clarity in the field of land (Indra, Rafi, & Handoko, 2024; Iqbal, 2025). The existence of laws and regulations that function as legal tools to provide, restrict, and guarantee individual rights in society as well as to prove the legitimacy of acts or efforts carried out by state administrators, governments, and communities, and also regulate land registration procedures.

After land registration, the certificate is issued as a proof of ownership. Land registration is a series of regular, sustainable, and consistent actions carried out by the government (Merebashvili & Dzamukashvili, 2024; Samad, Bachmid, & Handayani, 2025). This activity includes collecting, processing, recording, and displaying physical and juridical data related to land plots, as well as storing this information in the form of land plot lists and maps (Gherheș, Grecea, Vilceanu, Herban, & Coman, 2025; Kapoor, Esposito, & Anand, 2024). Certificates as proof of rights are legal means of proof. Evidence showing that a piece of land is under state administration and that the person in charge of the administration concerned has been given that authority (Wood, 2024; Zanibelli, 2025). Proof of certification of ownership of an individual as stated in the certificate. The certificate serves as a solid basis to prove the right granted by the institution that has the legal authority to perform the Action in question (Al-Hadidi & Al-Sabawi, 2025; Noor, Wassir, Anggraini, & Rahmaniah, 2024). After the end of the land registration procedure, BPN issues a certificate of ownership of land or a certificate of land rights (Haspada, 2025; Wiranto, Ruslijanto, & Herlindah, 2024).

The President oversees BPN, a non-ministerial government institution tasked with conducting government affairs related to land (Purnama & Khasanah, 2024; Yanti & Budiono, 2025). Article 19 of the UUPA is the basis for the establishment of the National Land Agency,

which was then established by the Presidential Regulation of the Republic of Indonesia number 177 of 2024 concerning the National Land Agency. In the end, this regulation helps the implementation of duties and functions in the land sector to be efficient and effective. BPN functions as an extension of the government's mandate which is coordinated through ministers in the field of agrarian and spatial planning. His task is to assist the president in the management and development of land administration based on the UUPA or other rules related to land such as regulating its use, control, and ownership of land, control of land rights, measurement and registration of land as well as matters related to land in accordance with policies determined by the President. Based on the rules mentioned above, BPN is a state organization that is authorized to handle all problems related to land, including the issuance of land rights certificates (Pasamai & Salle, 2024; Saputra, Sumanto, & Pandamdari, 2025).

From the description of Article 19 paragraph (1) and paragraph (2) of the UUPA, "The result of the registration of land rights is the provision of a certificate of proof of rights which is commonly called a certificate. Certificates of proof of rights or land certificates can function to create legal order in the land and help activate people's economic activities. Because a certificate of ownership is proof of land that has been registered by an official state body determined by law."

However, the certificate of rights to be in line with what was mentioned earlier often raises legal problems, because the certificate in question is overlapping. This means that the land in question has accumulated certificates, which causes disputes between the parties holding the certificates.

Land disputes must be resolved in the right way because it is a phenomenon that should not be ignored as such. Although the regulations have been regulated in such a way, there are still many disputes related to land. The overlap of land tenure is the root of the problem that arises in the relationship between humans and land, not the quantity or quality of the land itself. But overlapping land rights certificates can lead to uncertain laws for land rights owners, which such conditions are avoided in their implementation

Overlapping cases of land rights certificates give rise to uncertain land administration and legal issues. This situation is contrary to the intention of land registration as contained in Article 3 of Government Regulation No.24 of 1997 aimed at providing clarity and legal protection for the status of land ownership, to convey information to various parties, including government agencies, in order to facilitate access to the data needed in the implementation of legal actions related to the field of land and registered flats units, for the sake of achieving order in administration.

This problem shows the weakness of BPN in providing community services, especially the registration of land rights. Because land dispute cases can also arise on land objects that already have certificates, there is no land registration system that can guarantee the overall protection of the rights of land certificate holders. Among other things, there are cases of overlapping land rights certificates that cause uncertainty in the land administration system.

In the case of land, the head of the land office has the authority to issue a certificate of land. The issuance of overlapping certificates will not exist if officials carry out their functions and duties by complying with the relevant processes, because the issuance of overlapping certificates results in the loss of rights for other parties.

Previous studies have examined the role of the National Land Agency (BPN) in addressing overlapping land ownership certificates, but findings remain inconsistent. Siregar and Rahmadani (2021) found that overlapping certificates often arise from human error in land mapping, lack of data synchronization between cadastral maps and physical boundaries, and weak supervision within land offices. Although their study highlighted administrative weaknesses, it did not explore the extent of BPN's legal accountability in resolving such disputes. Meanwhile, Rahmawati and Putra (2022) emphasized the importance of legal certainty in land registration, noting that public unawareness and insufficient verification procedures contribute to multiple certificates on the same land parcel. However, their study was more normative and did not empirically assess the institutional responsibilities and preventive mechanisms within local land offices.

This study aims to analyze the causes of overlapping land certificates and evaluate the legal responsibilities of the Malang City Land Office in handling such cases. The research employs an empirical legal method using interviews and documentation to assess institutional practices, community awareness, and the effectiveness of verification mechanisms. The findings are expected to contribute theoretically by enriching the discourse on land law enforcement and practically by providing recommendations to strengthen land administration systems, enhance public trust, and improve transparency in land registration practices in Indonesia.

METHOD

The type of research used is empirical legal research, based on the formulation of the problems mentioned earlier. Empirical research is a type of legal research that utilizes primary data, especially data collected through direct research by studying legal phenomena that exist in society (i.e., how law functions in society). An explanation of empirical legal research is a type of research that utilizes social phenomena to determine how the law is applied, especially how the law is enforced in society. The benefit of empirical legal research is that it can identify existing legal problems so that it can describe the gap between *das sollen* (legal norms) and *das sein* (social behavior).

The author implements a legal sociology research approach. The sociology of law approach examines the legal reality that pervades society. In addition to helping to find and explain findings that have a relationship to nonlegal material for research purposes, the Legal Sociology Approach explores how the legal components of society affect social relationships.

Malang City Land Office Jalan Danau Jonge I No. 1, Madyopuro Village, Kedungkandang District, Malang City, East Java. The data obtained was obtained directly from the head of the land office. This location was chosen on the grounds that it is the object of research as well as the main source of the author in this study,

In this study, the type of primary data obtained directly from the research location after conducting interview activities was used, and supported by secondary data obtained through literature studies.

- 1) Primary Data, which is data obtained directly from the research location through interview activities with related parties and objects to be researched (Field Research) direct interviews Mr. Aufa Khoironi Thuba Wibowo, S.T as the Head of the Survey and Mapping

Section of the Malang City Land Office, and Mr. Tanto Efendi, S.H. as the Head of the Dispute Control and Handling Section of the Malang City Land Office.

- 2) Secondary data is data that can be from literature reviews, including books, journals, articles, scientific papers, research reports, and other sources related to the problem being researched.
- 3) The tertiary data used by the researcher and related to the author's thesis are in the form of the Great Dictionary of the Indonesian Language (KBBI) and the Legal Dictionary.

After the author determines the location of the research, to achieve the research objectives, the author collects data which is carried out by:

- 1) Interview: An interview is a way to obtain data by going through a question and answer process between two or more people related to the object being studied. The interview was conducted with Mr. Aufa Khoironi Thuba Wibowo, S.T as the Head of the Survey and Mapping Section of the Malang City Land Office, and Mr. Tanto Efendi, S.H. as the Head of the Dispute Control and Handling Section of the Malang City Land Office.
- 2) Documentation Study: Documentation is a technique in collecting data or information that is carried out by studying important documents stored related to the research topic. This documentation can be in the form of letters, photo archives and others.

The data that has been obtained is processed systematically, then analyzed using a qualitative approach, which is a research method that produces information in descriptive and analytical form. The information is collected to describe the available facts, then concluded and given suggestions using a deductive mindset, which is the drawing of conclusions starting from general statements to more specific things.

RESULT AND DISCUSSION

Causes of Overlapping Land Title Certificates at the Malang City Land Office

A number of terms used in land cases are sourced from Article 1 of the Regulation of the Minister of Agriculture and Spatial Planning/Head of the National Land Agency Number 21 of 2020 which regulates the management and settlement of land cases, conflicts, or land cases.

"Land disputes, hereinafter referred to as disputes, are disputes between individuals, legal entities or institutions that do not have a wide impact."

"Land conflicts, hereinafter referred to as conflicts, are land disputes between individuals, groups, groups, organizations, legal entities, or institutions that have a tendency or have a wide impact."

"Land matters hereinafter referred to as cases are land disputes whose handling and settlement are through the Judiciary."

The following is data related to land cases from 2022-2024 that occurred in the Malang City Defense Office Area.

Table 1. land cases from 2022-2024 that occurred in the Malang City Defense Office Are

Year/case	dispute	conflict	case
2022	3	—	53
2023	3	—	59
2024	3	—	41

Source : Malang City Land Office

An overlapping certificate is a certificate that is for a piece of land that has more than one certificate issued on it whose land is located both fully and partially.

The cause of overlapping certificates at the Malang City Land Office is due to several things, such as:

1) Applicant's bad faith

Inaccurate marking of land boundaries can be done by the applicant intentionally or unintentionally during field surveys or measurements, where if the land registration process is not carried out in good faith, this can result in land disputes in the future. This includes mistakes and carelessness caused by inaccuracy or lack of vigilance in the granting of land certificates.

2) lack of awareness of landowners

Landowners who do not know the land boundaries, leave their land empty without maintenance or even land owners who live outside the area so that when determining the land boundaries do not witness directly so that it can result in mistakes in determining land boundaries.

3) Mistakes and Inaccuracy of Land Office Officials.

Errors in the measurement of land boundaries can cause overlap, inaccuracy and inaccuracy resulting in inaccuracies in physical data and inaccuracy in the documents on which the certificate is issued, it may be that the document does not meet the requirements in accordance with what is determined by the applicable law.

4) Certificate issued before digital mapping is applied

Certificates issued before digital mapping often do not have accurate location data, this is the case with certificates issued before 2011.

Based on the results of the interview, it shows that the overlap of certificates occurred both due to the factors of the community itself, either intentionally (at the time of the land measurement deliberately determined the wrong boundary) or unintentionally (lack of awareness of the landowner, leaving the land empty without maintenance, or even at the time of determining the boundary of the land in question was not at the location at that time) as well as the negligence of the Land Office in analyzing and evaluating juridical and physical data, both the location of the land and the history of the land, are the cause of the overlap in the Malang City Land Office.

The following is data related to the overlap from 2022-2024 that occurred in the Malang City Land Office Area.

Table 2. the overlap from 2022-2024 that occurred in the Malang City Land Office Area

Year/case	Number of cases	Litigation	Non-litigation
2022			
2023	1		1
2024			

Source: Malang City Land Office

In the interview, to prevent the overlap of certificates, there were several efforts made by the Malang City Land Office,

Through the process of measuring the land as much as possible, the parties whose land borders the object of measurement participate in the measurement procedure to set the boundary. To prevent the occurrence of errors in the physical and juridical data of the land, the procedure for collecting and reviewing must be carried out carefully, paying special attention to the history of the land. After that, the juridical and physical data of the land must be announced to the community at the village office and land office where the land is located to provide an opportunity for other interested parties to file objections. So that any objections to juridical data and/or physical data in the field can be resolved as soon as possible.

Furthermore in the interview, that Circular Letter Number 13/SE/XII/2017 regulates the use of the land service application "touch my land", this circular stipulates that every land certificate must go through a plotting process before being processed by the land office, this plotting uses GPS technology to ensure the location of the land accurately with data on the registration map of the land office. GPS technology was chosen because it is able to provide high-precision measurements and mapping of land fields and can be done quickly by determining the coordinates of predetermined points. This stage also includes the re-digitization of the survey letter which is then mapped in the land registration map system. This step aims to minimize the potential for future land disputes.

From the explanation above, it can be said that the Malang City Land Office has made several concrete efforts to prevent the occurrence of overlapping certificates so that there will be no land disputes in the future.

Responsibilities of the Malang City Land Office Regarding Overlapping Land Title Certificates

In a country that adheres to the principle of the rule of law, every action taken by the government as a state organizing entity must be based on a clear and firm legal basis. The main purpose of this is to ensure that the government remains within the framework of the applicable legal rules, so as to prevent arbitrary Actions. Policies and decisions taken as a form of legal action from the government have the potential to be canceled by the court if they are not in accordance with the provisions of the law. Therefore, every authority owned by the government must be regulated through regulations or laws and regulations that function as guidelines as well as legal protection for government institutions as an element of state implementation. Thus, any legal action taken by the government must be based on legitimate authority and carry the consequence of responsibility for the exercise of that authority.

The issuance of land rights certificates is a responsibility that must be carried out by BPN, especially in order to provide public services to the community. This obligation automatically entails consequences in the form of responsibility for the implementation of the action.

Legal legitimacy is needed for all state and government administrators, especially those involved in land affairs in accordance with the Ministerial Regulation of ATR/KBPN No. 16 of 2022, the delegation of authority to decide land rights and land registration activities must be at the Land Office.

From the authority possessed under the Regulation, the Head of the Land Office is responsible for the issuance of land rights certificates. The authority that is possessed is related to the transfer of permits for the determination of land rights and land registration activities is

an authority obtained through delegation. Therefore, the Head of BPN delegated authority to the Head of the Land Office, so that the determination of land rights and the issuance of certificates became the responsibility of the Head of the Land Office. Likewise, when there is a land problem related to the determination of land rights and the issuance of certificates, the land office will be directly responsible for the problem.

In disputes over overlapping certificates, the land office has the authority to facilitate the negotiation and mediation process between the parties involved, as well as to play a role in formulating a mutual agreement between them. Currently, most cases are resolved directly through deliberations mediated by the land office, the following steps are taken:

- a) There are complaints.

The Land Office generally detects land rights disputes when an individual or legal entity files a complaint or objection containing a claim related to the decision of the land officer, where the decision of the official concerned is considered to be detrimental to the person's rights to a piece of land.

- b) Research and data collection.

Immediately after the complaint file is received, the authorized officials will examine the administrative data and physical data related to the mastery. This process aims to assess whether the complaint meets the requirements for further processing;

- c) Prevention (mutation).

to protect the interests of parties or legal entities that have rights to disputed land, mutase should not be done. If necessary, after an investigation by the head of the land office conducts research, the disputed land can be blocked or any form of change to the disputed land can be prevented or temporarily stopped.

- d) Deliberation.

Deliberation is one of the ways carried out by the Land Office, which is often a mediator in resolving peacefully between parties to the dispute, in this case the Hasrus Land Office is impartial, does not exert pressure and only provides proposals for a settlement.

- e) Revocation or cancellation of state administrative decisions in the field of land by the head of BPN.

The Minister of ATR/KBPN number 21 of 2020 concerning "Handling and Settlement of Land Cases" in Article 30 paragraph 2 explains that "the head of the regional land office issues a decision to cancel because:

1. administrative defects and/or juridical defects in legal products issued by the Head of the Land Office; or
2. Implement a court decision that has permanent legal force that cancels legal products issued by the head of the regional office or the head of the land office."

Furthermore, in Article 35 "the cancellation of legal products due to administrative defects and/or juridical defects as referred to in Article 29 paragraph 1 letter a is caused by:

- a. errors in the process/procedure of issuing land rights, registration of rights and the process of maintaining land registration data;
- b. errors in the measurement process/procedure;
- c. errors in the process/procedure of issuing a replacement certificate;
- d. errors in the process/procedure of issuing certificates of dependents;

- e. misapplication of laws and regulations;
- f. wrongdoing of the subject of rights;
- g. misuse of the object of rights;
- h. misuse of the type of rights;
- i. overlapping land rights;
- j. overlapping with forest areas;
- k. misdetermination of land consolidation;
- l. the error of land affirmation of the object of landreform;
- m. errors in the process of granting permission for the transfer of rights;
- n. errors in the process of issuing the cancellation decree;
- o. there is a criminal court decision with permanent legal force that proves the existence of criminal acts of forgery, fraud, embezzlement and/or other criminal acts;
- p. there are documents or data used in the process of issuing certificates that are not products of the agency based on a certificate from the agency concerned;
- q. There is a court decision that in its consideration is proven that there is a fact that there is a defect in the issuance of legal products in the transfer of rights but in the judgment it is not stated unequivocally."

The following is the minutes of mediation conducted by the land office in the case of certificate overlap

KEMENTERIAN AGRARIA DAN TATA RUANG/
BADAN PERTANAHAN NASIONAL
KANTOR PERTANAHAN KOTA MALANG
PROVINSI JAWA TIMUR
Jalan Dahu Jorjo I No 1 Kota Malang 65138 Telp. (0341) 717016, Fax. (0341) 717017
website : www.atsn.go.id , e-mail : skpmlang@t@gmail.com

NOTULEN PELAKSANAAN MEDIASI KEEMPAT
PERMASALAHAN OBJEK SENGKETA ILIK (BALEARJOSARI)
DENGAN SHM BALEARJOSARI DAN SHM (BALEARJOSARI)

Pada hari ini Kamis, tanggal bulan tahun
() di Ruang Mediasi Kantor Pertanahan Kota Malang, telah dilaksanakan mediasi
dengan hasil sebagai berikut:

I. DASAR
a. Surat Permohonan Mediasi Tgl 2023 perihal Permohonan Mediasi dan Sdr.
b. Surat Undangan Pemanggilan Mediasi Sdr.
35.73.100/XII/2023 tanggal
c. Surat Undangan Pemanggilan Mediasi Saudara No
3.100/XII/2023 tanggal
d. Surat Undangan Pemanggilan Mediasi Saudara Sujarwo Nu
35.73.100/XII/2023 tanggal

II. POKOK MEDIASI
a. Pokok Masalah:
Indikasi Tumpang Tindih
b. Obyek sengketa:
Bidang tanah :
c. Para Pihak :
- Pemohon mediasi :
- Termohon mediasi :
d. Pelaksanaan Mediasi :
1) Mediator Priyo Sunanto, S.SiT, Kepala Sub Koordinator Penanganan Sengketa
dan Perkara Kantor Pertanahan Kota Malang.
2) Peserta Mediasi (daftar terlampir merupakan bagian yang tidak terpisahkan dari
Berita Acara ini)
3) Pokok diskusi/tanggapan
Mediator
Para pihak telah dipanggil secara patut untuk dapat menghadiri Mediasi baik pada
Mediasi ke-1 hingga Mediasi ke-4. Kemudian dari hasil kesepakatan nantinya
akan dituangkan dalam berita acara mediasi ini.
Bahwa kemudian Pemohon (Kusna I,) telah hadir di ruang mediasi
pada pukul 09.00 WIB. Kemudian pihak Termohon telah diundang selama 1
(satu) jam namun Termohon tidak hadir, sehingga dianggap Termohon tidak
memenuhi undangan Mediasi.

(satu) jam namun Termohon tidak hadir, sehingga dianggap Termohon tidak
memenuhi undangan Mediasi.

Bahwa terkait informasi data penelitian penerbitan objek sengketa, nantinya dapat
di lakukan upaya administratif dengan bersurat kepada Kantor Pertanahan Kota
Malang.

(Permohonan) :
• Bahwa Pemohon memahami proses yang telah diatur oleh Perundang-
Undangan yang berlaku, terlebih dalam proses mediasi ini,
• Bahwa Pemohon memina kejelasan terkait hasil penelitian penerbitan objek
sengketa yang akan ditindaklanjuti dengan bersurat,
• Bahwa kemudian Pemohon sebagai perwakilan berpendapat
apabila kedepan Pemohon akan mengajukan upaya peradilan khususnya
dengan menarik Kantor Pertanahan Kota Malang.

Pihak : (Termohon) :
• Tidak Hadir

III. HASIL MEDIASI
a. Mediasi telah mendapatkan kesepakatan dengan hasil sebagai berikut :
Karena mediasi tidak dihadiri oleh Termohon maka Mediasi dinyatakan gagal dan
tidak memunculkan kesepakatan.
b. Tindak lanjut :
Bahwa kemudian kepada para pihak dapat menindaklanjuti sengketa pertanahan ini
melalui mekanisme peradilan (litigasi).

Demikian Notulensi Mediasi dibuat dengan sebenarnya, untuk dipergunakan sebagaimana
memutunya.

Mengetahui,
Mediator
Priyo Sunanto, S.SiT
NIP. (01)

Para Pihak :
1.
2.
3.
4.

Figure 1. minutes of mediation
(Source: Malang City Land Office)

The settlement of land disputes is not solely the authority of the land office, but can also be handled by judicial institutions, both the general court and the state administrative court. The general courts usually handle the civil and criminal aspects, while the state administrative courts focus on the resolution of disputes that are tied to administrative decisions issued by the land office.

In addition, the land office is also still responsible for implementing court decisions, In the State Administrative Court, the decision of the National Land Agency (in this case a certificate) can be canceled. The land office is in charge of implementing the PTUN decision regarding the cancellation of overlapping certificates.

This settlement is carried out if the deliberations carried out by the Land Office do not reach an agreement, as well as if the Land Office solves the problem itself due to a review of the State Administrative Decree that has been issued but cannot be resolved by the parties concerned. So the settlement is carried out through the court.

While waiting for the court's decision, the official concerned is not allowed to transfer the rights to the land until the court gives a decision that has permanent legal force. This is done to prevent problems from arising in the future that can harm the disputing party and others. State administrative apparatus engaged in the field of land are obliged to obey the general rules of good governance in order to maintain the security of the parties concerned while waiting for a decision that has permanent legal force (In Kracht van Gewijsde).

For example, consider a case that occurred in Malang City that has been decided by a state administrative court. This is recorded in decision number 119/G/2008/PTUN. SBY, which contained evidence from the Plaintiff on behalf of Mr. Supriyono as the Plaintiff against the Head of the Malang City Land Office as the Defendant and Mr. Achmad Zaky as the Defendant II Intervention.

On the seating dispute

That the plaintiff is the owner of a plot of land covering an area of 629m² on Jalan Cingger Ayam, Tulusrejo District, Lowokwaru District, Malang City, in accordance with the Certificate of Property Rights Number 1562, Situation Drawing Survey Letter Number 2585 dated April 25, 1995. Which was obtained legally on March 16, 1996 by purchasing from Soekandar Wihardja, SH. in front of PPAT Indrawati Setjabudi, SH. as contained in the sale and purchase deed no. 38/Lwk/NIS/III/1996.

That the plaintiff, who is domiciled in Jakarta, could not use the land due to less favorable economic and financial conditions, so it was left vacant. Nevertheless, he still guards his land, paying taxes on the land and building the land every year

That from the beginning, the state of the plaintiff's land after purchasing from the previous owner in 1996 so that at the end of 2007 it was a vacant plot of land, there was no building and the position and size of the area or the boundaries of the land as stated in the title certificate No. 1562/survey letter No.2585 dated 25-04-1995.

The plaintiff was shocked when he found out that several shop houses had been built on his plot of land when he visited Kemalang in mid-2008, for this incident the plaintiff submitted an application for remeasurement of the land boundary to the Malang City Land Office on August 5, 2008. Based on the minutes issued on August 29, 2008, it is known that the land has overlapped with the plaintiff's land plot after re-measurement and return of new boundaries. The overlap with a land area of 181m² which is also located in Tulusrejo District, Lowokwaru District, Malang City, with title certificate no. 3129/tulusrejo, with survey letter number 01066/tulusrejo/2006 dated April 26, 2006, in the name of Wahyu Pinasthi, and property title certificate no. 3130/tulusrejo, with survey letter number 0167/tulusrejo/2006 dated April 26, 2006 in the name of Achmad Zaky

The following is the Decree of the Head of the Malang City Land Office (the defendant) which is used as the object of dispute in this lawsuit:

1. "Property title certificate number 3129, survey letter number 01066/Tulusrejo/2006 issued on April 26, 2006, in the name of Mrs. Wahyu Pinasthi, area 183 M2, located in Tulusrejo Village, Lowokwaru District, Malang City.
2. Certificate of Ownership Number 3130, Survey Letter Number 01067/Tulusrejo/2006 issued on April 26, 2006, in the name of Mr. Achmad Zaky, area 181 M2, located in Tulusrejo Village, Lowokwaru District, Malang City."

Regarding the case in the decision number 119/G/2008/PTUN. SBY. The judge judged, "granted the plaintiff's lawsuit in its entirety, declaring null and void the state administrative decree issued by the defendant in the form of:

1. Certificate of Ownership Number 3129, Survey Letter Number 01066/Tulusrejo/2006 issued on April 26, 2006, in the name of Mrs. Wahyu Pinasthi, area 183 M2, located in Tulusrejo Village, Lowokwaru District, Malang City.
2. Certificate of Ownership Number 3130, Survey Letter Number 01067/Tulusrejo/2006 issued on April 26, 2006, in the name of Mr. Achmad Zaky, area 181 M2, located in Tulusrejo Village, Lowokwaru District, Malang City.

Obliging the defendant (head of the land office of Malang City) to revoke:

1. Certificate of Ownership Number 3129, Survey Letter Number 01066/Tulusrejo/2006 issued on April 26, 2006, in the name of Mrs. Wahyu Pinasthi, area 183 M2, located in Tulusrejo Village, Lowokwaru District, Malang City.
2. Certificate of Ownership Number 3130, Survey Letter Number 01067/Tulusrejo/2006 issued on April 26, 2006, in the name of Mr. Achmad Zaky, area 181 M2, located in Tulusrejo Village, Lowokwaru District, Malang City."

From the case of the case, the Malang City Land Office was proven to have issued overlapping certificates, which were then canceled in court proceedings through a court decision.

After the court decision, the Head of the Malang City Land Office submitted an application for the cancellation or revocation of the overlapping certificate in order to comply with the court's determination after the judge's decision obtained permanent legal force (In Kracht Van Gewijsde).

As for the follow-up after the cancellation by the panel of judges based on article 40 paragraph (1) it states

"The application for cancellation of legal products due to the implementation of a court decision that already has permanent legal force as referred to in Article 29 paragraph (1) letter b must meet the following requirements;

- a. Application Letter
- b. A copy of the legalized identity of the applicant and his power of attorney if authorized
- c. original power of attorney when authorized
- d. Photocopy of proof of ownership/control of the legalized applicant's land
- e. Physical data documents and juridical data proposed cancellation
- f. Copy of legalized court decision

g. Copy of the minutes of the legalized execution implementation."

After the application for the cancellation of overlapping certificates is submitted, the Land Office will examine the history of the land and its designation, and upon the issuance of a court decision, one of the certificates will be cancelled. The head of the land office will process the application for cancellation that is considered legally defective if there is a court decision. The head of the land office will then be:

- a) Recording the cancellation of the certificate belonging to one of the parties in the land book and other general lists in the land registration administration is a means of turning off the land book in question.
- b) Retract the certificate of ownership of one of the parties from circulation; if this is not possible, the cancellation must be publicly stated in a widely read daily publication in Malang City. Providing opportunities for other parties to reassert rights that are clearly under their control in accordance with the applicable laws and regulations.

Based on the description above related to legal responsibility. Related to this, the responsibility for issuing overlapping certificates is the responsibility of the administration. In the administrative context, the land office holds full responsibility for the process of issuing land certificates. If a case of certificate overlap is found, this indicates errors in the administrative process, such as inaccuracies in the measurement process, lack of thorough verification of registered land plot maps, and weaknesses in the management of land archives and geographic information systems. Considering that the sanctions that can be imposed on the head of the land office are in the form of administrative sanctions as stated in Article 63 of Government Regulation No.24 of 1997 concerning land registration.

In relation to civil sanctions, if viewed with the theory of legal liability according to Hanskelsen, then an attacker can be held accountable if he commits an act that is contrary to the law. The imposition of sanctions is a form of consequence for these actions, as an effort to demand accountability for all their actions.

If the Head of the land office is proven to have committed negligence or error in issuing overlapping certificates, he will be held liable based on the provisions listed in Article 1365 and Article 1366 of the Civil Code

CONCLUSION

The Malang City Land Office issues overlapping land title certificates due to community factors, including intentional acts like deliberately misstating boundaries during land measurement, and unintentional factors such as landowners' lack of awareness, negligence in land maintenance, or absence during boundary determination. Additionally, the Land Office's failure to properly verify and review juridical and physical data—including land history and on-site inspections—contributes to these overlaps. According to Article 63 of Government Regulation No. 24 of 1997, the head of the Land Office may face administrative sanctions for such issues. The office attempts to resolve disputes primarily through mediation or by enforcing court decisions with permanent legal force. Future research could explore the effectiveness of these dispute resolution methods and recommend improvements in verification processes to prevent overlapping certificates more systematically.

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