

Legal Certainty Regarding the Deletion of Land Records in Gunung Anyar Tambak

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ABSTRACT

Legal certainty in land registration constitutes a fundamental element in establishing orderly land administration and ensuring legal protection for land rights holders. The enactment of Article 76A of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 16 of 2021, which abolishes the recognition of traditional land ownership evidence such as petok, girik, pipil, and ipeda after 2026, carries significant juridical implications, particularly for areas that still rely on non-certificate land history documents. Gunung Anyar Tambak Subdistrict in Surabaya represents a region with complex land history structures that have not been systematically documented. This study aims to analyze the juridical implications of abolishing traditional land evidence on legal certainty and legal protection in land registration, as well as to examine the readiness of local administrative structures in implementing this policy. The research employs a normative legal method using statutory and conceptual approaches, supported by an analysis of land administration practices. The findings indicate that, normatively, the abolition of traditional evidence is intended to strengthen legal certainty through a certificate-based proof system; however, in practice, it may generate new legal uncertainties if not accompanied by adequate administrative readiness at the local level. Therefore, this policy requires institutional capacity strengthening, standardization of land history documentation, and equitable transitional mechanisms to ensure the effective realization of legal certainty and legal protection.

INTRODUCTION

Legal certainty in the implementation of land registration constitutes a fundamental prerequisite for the realization of orderly, transparent, and accountable land governance (Ardiansyah, 2025; Damajanti, 2026; Erma et al., 2026; Firmansyah & Jamilah, 2022; Firmanto & Sutrisno, 2026; Sudrajat et al., 2023; Yarsina et al., 2026). Land registration does not merely function as an administrative mechanism, but also as a juridical instrument that provides legal protection for the proprietary rights of the public. Through the land registration system, the State seeks to ensure clarity regarding the subject, object, and type of land rights in order to prevent disputes and guarantee legal certainty for rights holders. The national land law system is designed to establish orderly administration by systematically and continuously integrating juridical data and physical data as the basis for the recognition and protection of land rights.

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The development of land tenure and ownership practices influenced by social, economic, and historical dynamics has driven regulatory reforms in the field of land registration (Dugeri & Otegbulu, 2022; George, 2025; Moreda, 2023; Sugathadasa & Hemachandra, 2026; Zhang et al., 2024). One regulatory reform with significant implications for the system of proof of land rights is the enactment of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 16 of 2021, which constitutes the third amendment to Regulation of the Minister of State for Agrarian Affairs/Head of BPN Number 3 of 1997. This regulation introduces Article 76A, which limits the recognition period of evidence of former customary ownership rights to five years from the entry into force of the regulation. This provision stipulates that traditional documents such as petok, girik, pipil, ipeda, and other non-certificate land history documents will no longer be recognized as legal evidence after August 2026. This policy reflects a paradigm shift in the proof of land rights toward a system that fully relies on certificates as the State-recognized evidence of rights.

The juridical implications of this policy become particularly relevant in areas where land history structures still rely on old administrative documents originating from colonial agrarian systems or post-independence transitional periods. Gunung Anyar Tambak Subdistrict in the City of Surabaya is one such area where land tenure administration continues to depend on village letter C books or subdistrict land registers as the administrative basis for land control by the community. These documents have long been used as administrative references, despite not being juridically designed as evidence of ownership with full probative value. The abolition of recognition of such evidence after 2026 directly affects the legal status of numerous land parcels, particularly for community members who have not registered their land and have not obtained land title certificates.

This condition is further aggravated by overlapping land histories resulting from unsystematic land administration practices. The long-term use of petok, girik, pipil, and similar documents as the basis for acknowledging land control has occurred without adequate verification of location, area, boundaries, and transfer history. The accumulation of such practices has resulted in inconsistencies between administrative evidence, physical possession, and land parcel maps. The reliance of subdistrict administrative structures on letter C books as the primary record has become increasingly complex due to land fragmentation and intergenerational transfers that are not always fully recorded. Consequently, the process of proving land ownership heavily depends on substantive verification by subdistrict officials in issuing Land History Certificates.

The imposition of a time limit on the recognition of old evidence places the Gunung Anyar Tambak community under urgent pressure to adjust their land histories to the evidentiary standards of the national land registration system. This adjustment process potentially faces various administrative obstacles, particularly when land histories remain unclear regarding location, area, or transfer chronology. Such conditions increase the administrative burden at the subdistrict level and open the possibility of land registration applications being rejected due to discrepancies between physical possession and submitted documentation. This situation raises fundamental issues concerning the effectiveness of legal protection for communities unable to comprehensively prove their land history.

Legal certainty in land affairs requires clarity regarding the history of land tenure, parcel boundaries, and the existence of evidence of rights in accordance with statutory regulations.

This principle aligns with Gustav Radbruch's theory, which positions legal certainty as one of the primary pillars of legal ideals alongside justice and expediency. Legal certainty demands legal norms that are not only formally valid but also capable of providing clarity and predictability in their application. In the context of land law, this principle is relevant in assessing the extent to which the policy of abolishing old evidence can create consistency between evidentiary norms and administrative practices in the field.

The implementation of land registration as regulated in Government Regulation Number 24 of 1997 places certificates as evidence possessing full legal force. Certificates function as the core of the land rights evidentiary system as well as an instrument for establishing orderly land administration. Boedi Harsono emphasizes that land registration aims not only to produce proof of rights but also to create an orderly structure of land tenure capable of minimizing legal uncertainty. The abolition of old evidence in 2026 can therefore be understood as a normative effort to consolidate the land rights evidentiary system into a single standardized instrument.

This paradigm aligns with the concept of *rechtskadaster*, which positions land registration as a constitutive system in providing legal guarantees over land status. Reducing reliance on traditional administrative documents constitutes a strategic step to prevent evidentiary dualism that has long been a major source of land disputes. Documents such as *petok* or *girik* essentially function as administrative or tax payment evidence, not as juridical proof of ownership, and are often unsupported by parcel maps or adequate transfer records.

Empirical conditions in Gunung Anyar Tambak Subdistrict indicate that the implementation of the policy abolishing old evidence continues to face significant administrative challenges. The limited validity of letter C books, the absence of comprehensive land history maps, and the inability of some holders of old documents to precisely identify their land location potentially create new forms of legal uncertainty. This situation highlights the importance of legal protection as a critical aspect in evaluating the effectiveness of the policy. Legal protection requires clear, measurable administrative mechanisms capable of providing a sense of security for the community.

Muchsin's perspective on legal protection emphasizes the importance of norms that do not generate ambiguity in their implementation. Philipus M. Hadjon, through the concept of preventive legal protection, underscores the State's obligation to provide administrative procedures capable of preventing disputes through clarity and accessibility of public services. The effectiveness of Article 76A of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 16 of 2021 is highly dependent on the readiness of administrative structures at the subdistrict and land office levels. Limitations in institutional capacity and the quality of land history documentation may significantly affect the level of legal protection received by the community.

Several studies have examined various aspects of land registration and traditional land evidence in Indonesia. Harsono (2008) established that land registration through certificates serves as the primary instrument for legal certainty, while traditional documents such as *girik* and *petok* function merely as administrative evidence of tax payment without constitutive legal force. Santoso (2019) identified significant disparities between normative frameworks and practical realities, revealing that many communities continue to rely on traditional documents due to limited access to formal land registration services, creating a dualism between the formal legal system and social practices. Sumardjono (2008; 2012) emphasized the importance of

justice and administrative fairness in land policy, arguing that legal certainty requires substantive protection of community rights. Mertokusumo (2013; 2014) distinguished between formal and substantive dimensions of legal certainty, emphasizing the need for clear norms and consistent implementation by state institutions. Parlindungan (2009) documented the limitations of traditional administrative records such as letter C books in terms of data accuracy, completeness, and verification mechanisms. More recent studies by Fitriani and Jazuli (2021) and Ismail (2018) have highlighted institutional capacity gaps and the need for integrated data systems and improved coordination across different levels of government.

Despite the extensive body of literature, several important gaps remain unaddressed. No comprehensive study has specifically examined the juridical implications of Article 76A of Regulation of the Minister of ATR/BPN Number 16 of 2021, particularly regarding its transitional mechanism and effects on legal certainty. The interplay between the abolition of traditional evidence and the readiness of local administrative structures remains inadequately analyzed, even though the policy's success heavily depends on the performance of subdistrict officials and land office personnel. Research on the impact of the 2026 deadline on communities in areas with complex land history remains limited to general analysis without sufficient attention to local variations. The novelty of this research lies in its comprehensive analysis of Article 76A using a socio-legal approach that integrates normative analysis with empirical investigation in Gunung Anyar Tambak, Surabaya. This research develops a framework for assessing administrative readiness, distinguishes between formal and substantive legal certainty, and examines the policy through the lens of Hadjon's preventive legal protection theory. The resulting normative and practical recommendations are specific and measurable, aimed at strengthening land history verification, data integration, and protection of the rights of administratively vulnerable communities.

The foregoing analysis demonstrates that the abolition of old evidence generates not only normative implications but also practical implementation issues at the local level. This research aims to analyze the juridical implications of abolishing old evidence on legal certainty and legal protection in land registration, as well as to assess the readiness of local administrative structures in implementing this policy in Gunung Anyar Tambak Subdistrict. The findings are expected to contribute theoretically to the development of agrarian law and land administration, while also providing normative and practical recommendations for strengthening land governance oriented toward legal certainty and the protection of community land rights.

METHOD

This research employs a socio-legal research approach, which positions law not merely as a body of written norms but also as a social institution operating within an empirical context. This approach is adopted because the issue of abolishing the recognition of non-certificate land history documents, as regulated under Article 76A of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 16 of 2021, cannot be adequately understood through purely normative analysis. The policy has direct implications for land administration practices, institutional capacity, and public understanding and responses to changes in the system of proof of land rights. The socio-legal perspective enables an analysis of the relationship between legal norms, implementing officials, and the community as subjects affected by the policy, thereby illustrating how law operates in practice (law in

action). This approach aligns with the view of Nonet and Selznick, who emphasize the importance of understanding law in relation to the social structures that sustain it.

The character of this research is qualitative, aiming to obtain an in-depth understanding of the dynamics of policy implementation concerning the abolition of old evidence in land registration practices. The qualitative approach is employed to explore the experiences, perceptions, and interpretations of stakeholders directly involved in land administration processes, including subdistrict officials, land administration officers, and land-owning community members. This approach is particularly relevant because land history issues involve not only regulatory texts but also administrative verification practices, limitations of historical archives, and the social experiences of communities in maintaining claims to land. The qualitative perspective allows the researcher to capture the meanings attributed by actors to the new policy and the administrative strategies adopted in dealing with incomplete land history data, as emphasized by Denzin and Lincoln, who argue that qualitative research seeks to understand social processes from the perspectives of those who directly experience the phenomenon.

The research approach comprises a statutory approach, a conceptual approach, and a case and land administrative practice approach. The statutory approach is used to analyze the normative framework governing land registration and the proof of land rights, particularly Law Number 5 of 1960 concerning Basic Agrarian Principles, Government Regulation Number 24 of 1997 on Land Registration, and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 16 of 2021. The conceptual approach is employed to examine the concepts of legal certainty and legal protection from the perspectives of legal theory and agrarian law. The case and administrative practice approach is applied to examine the implementation of legal norms in the concrete context of Gunung Anyar Tambak Subdistrict, especially in the process of verification and issuance of Land History Certificates as a prerequisite for land rights registration.

The legal materials used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include statutory regulations relevant to land registration and the policy abolishing old evidence, as well as land administration documents such as Land History Certificates, letter C books, and subdistrict-level land archives. Secondary legal materials encompass agrarian law literature, scientific journals, expert opinions from scholars such as Boedi Harsono, Maria S.W. Sumardjono, and Urip Santoso, as well as empirical data obtained through in-depth interviews with subdistrict officials, ATR/BPN officers, Land Deed Officials (PPAT), community leaders, and academics. Tertiary legal materials are used as supporting sources in the form of legal dictionaries and encyclopedias to clarify concepts and terminology employed in the analysis.

The collection of legal materials is conducted through document study, semi-structured interviews, and limited field observation in Gunung Anyar Tambak Subdistrict. Document study aims to examine the normative basis and administrative structure of land registration, while interviews are conducted to explore practices, constraints, and stakeholders' perceptions regarding the policy of abolishing old evidence. Field observation is carried out to capture the dynamics of land administrative services that may not be fully reflected in official documents. The analysis of legal materials is conducted using prescriptive qualitative analysis by integrating normative and empirical findings through deductive reasoning and systematic

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interpretation. The analysis is directed toward assessing the conformity between legal norms and administrative practices using the principles of legal certainty and legal protection as evaluative parameters, as well as formulating normative recommendations for strengthening local land governance.

RESULTS AND DISCUSSION

Juridical Implications of the Abolition of Old Evidence on Legal Certainty

The abolition of old forms of evidence within the national land registration system constitutes a legal policy with significant juridical implications for the principles of legal certainty and legal protection of land rights. This policy derives its normative legitimacy from Article 76A of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 16 of 2021 concerning the Third Amendment to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 1997 on the Implementing Provisions of Government Regulation Number 24 of 1997 on Land Registration. This provision restricts the use of old evidentiary documents such as petok, girik, pipil, and IPEDA as the basis for proving land rights, thereby marking a fundamental shift in the legal construction of land rights evidentiary systems in Indonesia. The policy not only affects administrative aspects but also influences the legal relationship between the State and citizens in the context of the recognition and protection of land rights.

Old forms of evidence such as petok, girik, pipil, and IPEDA have a long history in land administration practices in Indonesia. These instruments originated from land tax recording systems that developed during the colonial period and the early years of independence, when the State had not yet established an integrated national land registration system. Within the social context of society, such documents have often been perceived as proof of land ownership because they demonstrate a relationship between an individual and the land under their control. This perception has evolved across generations and shaped the legal consciousness of agrarian communities, particularly in rural areas.

The legal status of old evidentiary documents within Indonesia's positive law system was never intended to serve as constitutive proof of land rights. Law Number 5 of 1960 concerning Basic Agrarian Principles affirms that land rights are recognized and protected by the State through the mechanism of land registration. This provision positions land registration as the primary instrument for guaranteeing legal certainty, while old administrative documents merely function as supporting data in the process of proving land possession. Government Regulation Number 24 of 1997 on Land Registration further clarifies this position by designating certificates as official evidence of land rights possessing strong legal force.

Empirical practice demonstrates that old evidentiary documents continue to be widely used by the public as the basis for claiming land rights. Such usage is often driven by limited access to land services, low levels of legal literacy, and the incomplete implementation of comprehensive land registration. This condition creates a dualism between the formal legal system, which emphasizes land registration, and social practices that still rely on old administrative evidence. This dualism constitutes a potential source of agrarian conflict, as old evidentiary documents lack uniform verification standards and are not integrated into the national land administration system.

The juridical limitations of old evidentiary documents lie in their inability to reflect a definitive legal relationship between the subject and the object of land rights. Documents such as girik and petok merely indicate tax payment obligations rather than State recognition of land ownership rights. The absence of precise physical data, such as clearly measured boundaries and land area, renders old evidentiary documents susceptible to overlapping claims. Vulnerability to forgery and manipulation also poses serious concerns, as legacy recording systems lack adequate oversight mechanisms.

These conditions demonstrate that old evidentiary documents are incapable of fulfilling the requirements of legal certainty within a modern land registration system. The State's efforts to establish orderly land administration and reduce agrarian conflicts necessitate a standardized, integrated, and data-driven evidentiary system. The abolition of old evidence as the basis for proving land rights constitutes a normative response to these needs and signifies a transition toward a more modern land registration system oriented toward legal certainty.

Article 76A of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 16 of 2021 serves as a transitional norm designed to regulate the shift from reliance on old evidentiary documents to a land rights evidentiary system fully based on land registration. This provision limits the period during which old evidence may be used and encourages the public to promptly register their land to obtain certificates as legally valid proof of rights. The norm reflects a legal policy aimed at modernizing land administration and strengthening legal certainty through the unification of evidentiary systems.

The rationale underlying the transitional period provided in Article 76A lies in the effort to allow adaptation for communities that have long depended on old evidentiary documents. The transitional phase is intended to prevent legal vacuums and protect the interests of individuals who have factually possessed land but have not yet obtained certificates. This regulatory approach indicates that policymakers acknowledge the gap between legal norms and social realities, necessitating a gradual approach to implementing changes in land rights evidentiary systems.

The changes introduced by Article 76A also signify a shift in the paradigm of proving land rights. A system that previously allowed old evidentiary documents as preliminary proof has transitioned toward one that positions certificates as the sole fully recognized evidence of land rights. This paradigm emphasizes the importance of juridical and physical data officially recorded within the national land registration system. Such an approach aligns with the principle of legal certainty, which requires clarity, consistency, and predictability in the application of law.

This paradigmatic shift in land rights evidentiary systems may also be understood within the framework of Gustav Radbruch's theory of legal certainty. Legal certainty demands clear rules that can be applied consistently by State authorities. The use of diverse and non-standardized old evidentiary documents creates broad interpretative discretion and potential uncertainty. Limiting the use of old evidence through Article 76A represents an effort to reduce such uncertainty and strengthen the function of law as an effective regulatory instrument.

The normative implications of Article 76A extend beyond legal certainty to encompass aspects of legal protection. Restricting old evidentiary documents may create vulnerability for individuals who are unable to access land registration processes due to economic, geographic,

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or administrative constraints. This norm requires active State involvement to ensure that modernization of land administration does not undermine principles of justice and the protection of citizens' rights. The implementation of Article 76A must therefore be situated within a comprehensive land policy framework oriented toward the public interest.

The abolition of old evidence as the basis for proving land rights has a significant impact on strengthening legal certainty. Affirming certificates as the sole fully recognized evidence of land rights creates a simpler, more consistent, and integrated evidentiary system. Certainty regarding the subject, object, and type of land rights can be ensured through official recording in land registers and cadastral maps. In theory, this system is capable of reducing the potential for agrarian disputes arising from overlapping claims.

Strengthening legal certainty through the abolition of old evidentiary documents also contributes to improving the quality of land governance. The integration of land data into digital systems enables more effective oversight and enhances transparency in public service delivery. Orderly and accountable land administration constitutes a critical prerequisite for legal certainty and public trust in State institutions. This condition demonstrates that the policy of abolishing old evidence holds strategic value in land administration bureaucratic reform.

However, new forms of legal uncertainty may also emerge as a consequence of this policy. Individuals who have factually possessed land for many years but have not obtained certificates may find themselves in vulnerable positions once old evidentiary documents are no longer recognized. The risk of losing legal legitimacy over occupied land becomes a serious issue, particularly for low-income groups and communities residing in remote areas. Such uncertainty may be exacerbated by bureaucratic obstacles and limited institutional capacity within land administration bodies to process land registration efficiently and effectively.

An analysis of the policy's impact indicates that formal legal certainty does not always align with substantive justice. Legal regimes that excessively emphasize administrative formalities risk disregarding social realities and the historical context of land possession. Effective legal protection requires a balance between legal certainty and justice. The policy of abolishing old evidentiary documents must therefore be accompanied by affirmative mechanisms to ensure that individuals do not lose their rights solely due to administrative limitations.

The principle of proportionality serves as a critical analytical tool for evaluating the policy of abolishing old evidentiary documents. This principle requires a balance between the objectives pursued and the impacts generated. The goal of strengthening legal certainty and orderly land administration constitutes a legitimate and relevant objective. The abolition of old evidentiary documents may be justified in light of their weak juridical validity. However, proportionality demands that the policy not impose excessive burdens on the public and that it continues to guarantee protection for factually existing rights.

The success of the policy abolishing old evidentiary documents largely depends on consistent implementation and the State's commitment to providing legal protection. Systematic land registration programs, procedural simplification, and the provision of land-related legal assistance are key factors in ensuring that the transformation of the land rights evidentiary system proceeds fairly and sustainably. Legal certainty achieved through this policy must ultimately provide a sense of security for the public and prevent the emergence of new agrarian conflicts.:

Administrative Structure Readiness in Policy Implementation

The implementation of the policy abolishing old forms of evidence in the national land registration system cannot be separated from the readiness of the administrative structure as the primary executor of the policy. The effectiveness of a legal norm is determined not only by the clarity of its normative substance but also by the institutional capacity responsible for its operational implementation. The land administration structure plays a strategic role as a bridge between state policy and the factual reality of land tenure within society. Administrative readiness thus becomes a decisive factor in ensuring that the objectives of strengthening legal certainty and legal protection are genuinely realized in practice.

The land administration structure in Indonesia is hierarchical and involves various institutions with different competencies. The central government, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, formulates policies and normative standards, while technical implementation largely depends on local-level officials. This condition places village/urban ward (*kelurahan*) offices and land offices as key actors in land registration processes, particularly in the context of the abolition of old forms of evidence as regulated under Article 76A of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 16 of 2021.

At the local level, the land administration structure performs complex and layered functions. *Kelurahan* serve as the administrative institutions closest to communities that factually control land. Their primary role in land affairs lies in providing preliminary data regarding land tenure history, administrative acknowledgment of land existence, and the issuance of certificates or statements required in land registration procedures. *Kelurahan* thus function as the main entry point for communities seeking land certificates, especially for unregistered land parcels.

Land offices possess technical and juridical authority in the implementation of land registration. Their functions include the collection and processing of physical and juridical data, examination of legal bases of land rights, measurement and mapping of land parcels, and the issuance of certificates as legal proof of land rights. Land offices are responsible for ensuring that every registered land parcel complies with the standards of legal certainty established by legislation. This authority positions land offices as central institutions in implementing the policy abolishing old forms of evidence.

The relationship between *kelurahan* and land offices is complementary. *Kelurahan* provide initial administrative data, while land offices conduct more comprehensive juridical and technical verification. Synchronization between these institutions is a crucial prerequisite for effective and accountable land registration processes. A lack of coordination may result in administrative bottlenecks and delays in public service delivery.

The letter C land register constitutes an important administrative instrument at the *kelurahan* level. It functions as a village or ward record of land tenure, originally intended for land tax collection purposes. In practice, the letter C book is frequently used as the primary reference in issuing Land Tenure History Certificates (*Surat Keterangan Riwayat Tanah—SKRT*). The SKRT serves as an administrative document describing the history of land possession and transfer based on *kelurahan* records and witness testimony.

The function of the letter C book and SKRT is administrative in nature and was never intended to serve as conclusive legal evidence of land rights. Their evidentiary value depends

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heavily on data completeness, consistency of records, and the verification capacity of kelurahan officials. Continued reliance on these documents reflects the persistence of traditional administrative practices at the local level, despite the normative positioning of land certificates as the primary proof of rights within the national land registration system.

Kelurahan Gunung Anyar Tambak exemplifies an area that remains heavily dependent on historical land documents in land administration practices. Land tenure histories in this area have developed over extended periods and are not always systematically documented. Fragmentation of land parcels due to inheritance, informal transactions, and changes in land use has resulted in administrative records that do not always reflect factual conditions on the ground.

Irregular land tenure histories constitute a major challenge in implementing the policy abolishing old forms of evidence. Letter C records often lack precise data regarding land boundaries, size, and location. Discrepancies between administrative records and physical land conditions complicate verification processes prior to SKRT issuance. This situation creates a high degree of dependence on the subjective knowledge of kelurahan officials and witness statements, thereby increasing the risk of administrative errors.

Limitations in land tenure documentation are also linked to the quality of archival systems at the kelurahan level. Many historical documents have deteriorated, been lost, or not updated regularly. The absence of digital archival systems exacerbates this problem, as data retrieval and verification must be conducted manually. Heavy administrative workloads are often not matched by adequate human resource capacity, both in terms of quantity and technical competence.

Verification processes in Kelurahan Gunung Anyar Tambak frequently present dilemmas between administrative requirements and the demand for legal protection of community interests. Kelurahan officials face difficult decisions when issuing SKRT based on data that cannot be fully verified. The risk of administrative error rests on the officials, even though data limitations are beyond their control.

Administrative burdens increase significantly as the deadline for recognition of old forms of evidence approaches, as stipulated in Article 76A of Regulation Number 16 of 2021. Communities are driven to promptly register their land, resulting in a surge in applications for SKRT and supporting documents. Without corresponding institutional capacity enhancement, this pressure risks degrading public service quality.

The risk of application rejection also increases due to stricter evidentiary standards. Discrepancies among administrative data, physical possession, and field measurement results may lead land offices to reject registration applications. Such rejections may generate legal uncertainty for communities, particularly when not accompanied by effective administrative clarification and dispute resolution mechanisms.

Institutional readiness in implementing the abolition of old forms of evidence can be assessed by examining the alignment between legal norms and administrative capacity. Article 76A demands an administrative system capable of accurate and consistent data verification. Limited administrative capacity risks creating gaps between normative policy objectives and practical implementation.

The alignment between norms and administrative capacity is a key indicator of effective legal protection. Substantively sound norms may lose effectiveness if unsupported by adequate

institutional structures. Kelurahan and land office officials require clear technical guidelines, integrated information systems, and competent human resources to implement the policy consistently.

The risk of maladministration constitutes a serious issue in this policy context. Maladministration may manifest as service delays, procedural ambiguity, data verification errors, or issuance of inaccurate documents. Such conditions not only harm applicants but also undermine the legitimacy of the policy. Preventive legal protection, as articulated by Philipus M. Hadjon, requires administrative mechanisms capable of preventing disputes through procedural clarity and service certainty.

The implications of maladministration for legal protection are substantial. Communities whose applications are rejected or processed non-transparently may lose their sense of security and trust in land institutions. Legal uncertainty arising from administrative weaknesses, rather than legal norms themselves, highlights that effective legal protection is inseparable from sound public administration.

Institutional strengthening thus becomes an urgent necessity in implementing the abolition of old forms of evidence. Such strengthening includes enhancing human resource capacity, modernizing archival and documentation systems, and integrating land data between kelurahan and land offices. It also encompasses the provision of assistance and facilitation mechanisms for communities facing difficulties in land registration processes.

A responsive and inclusive institutional approach is essential for achieving effective legal protection. Land administration structures must adapt to the historical complexity of local land tenure arrangements. The policy abolishing old forms of evidence will achieve its normative objectives only when balanced with operational policies oriented toward public service and administrative justice.

Analysis of administrative readiness demonstrates that strengthening legal certainty through the abolition of old forms of evidence cannot be separated from the state's responsibility to protect community land rights. The implementation of this policy requires a balance between formal legal certainty and substantive legal protection. A strong, transparent, and accountable land administration structure constitutes the primary foundation for a just and sustainable land registration system.

CONCLUSION

This study demonstrates that the policy abolishing the recognition of non-certificate land history evidence, as regulated in Article 76A of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) Number 16 of 2021, constitutes a normative measure aimed at strengthening legal certainty within the national land registration system. The abolition reflects a paradigm shift in the proof of land rights from a traditional administrative system toward a land registration system based on verified juridical and physical data. Normatively, this policy is consistent with the objectives of land registration as stipulated in Government Regulation Number 24 of 1997, namely to provide legal certainty and legal protection for holders of land rights through the orderly and accountable administration of land affairs. The findings indicate that traditional forms of evidence such as petok, girik, pipil, and similar documents were never intended from the outset to function as constitutive proof of land rights. Their function was limited to serving as preliminary

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administrative evidence requiring further verification in the land registration process. Normatively, the policy abolishing such evidence may be understood as an effort by the state to end reliance on forms of proof that possess limited juridical value and are prone to generating disputes. The legal certainty pursued through this policy lies in strengthening the position of land certificates as strong and legally valid evidence of land rights.

Empirical analysis reveals that the implementation of the policy abolishing traditional evidence has not been fully supported by the readiness of local administrative structures. Land administration practices in Gunung Anyar Tambak Subdistrict continue to face various obstacles, particularly irregular land histories, limited historical documentation, and constrained verification capacity among administrative officials. These conditions create a potential gap between legal norms and implementation realities, which may ultimately generate new forms of legal uncertainty for the community if not managed proportionately. The synthesis of normative and administrative findings shows that legal certainty cannot be understood merely as formal certainty derived from regulatory texts. In the context of land registration, legal certainty also requires substantive legal protection for communities that faktually control land but encounter administrative limitations. The policy abolishing traditional evidence will be effective only if accompanied by adaptive, transparent, and public service-oriented administrative mechanisms. Legal protection in this context requires the state to ensure that changes in the system of proof of land rights do not undermine the rights of communities that are administratively vulnerable.

Strengthening the role of subdistrict administrations (kelurahan) in the verification of land history constitutes a primary recommendation of this study. Subdistrict offices should be positioned as initial nodes with adequate administrative and technical capacity to verify land history data. Such strengthening may be achieved through the formulation of more detailed verification guidelines, enhancement of the competence of subdistrict officials, and reinforcement of accountability mechanisms in the issuance of Land History Certificates (Surat Keterangan Riwayat Tanah). These measures are necessary to minimize the risk of administrative errors and to provide preventive legal protection for the community. The digitalization and integration of land data between subdistrict administrations and land offices also represent an urgent need. An integrated digital archival system would facilitate verification processes, improve data accuracy, and reduce reliance on physical documents that are vulnerable to damage or loss. Data integration enables synchronization between administrative records at the subdistrict level and juridical data at the land office, thereby allowing land registration processes to proceed more efficiently and transparently. Digitalization policies must be accompanied by adequate infrastructure support and human resource training to ensure optimal implementation. The expansion of equitable transitional policies should be considered as part of legal protection for the community. Flexible, locally responsive transitional policies may prevent administrative exclusion of communities that are unable to meet new standards of proof within the prescribed timeframe. Such expansion may be realized through administrative assistance mechanisms, legal aid, or special verification schemes for areas with highly complex land histories. This approach is expected to maintain a balance between formal legal certainty and substantive justice in the administration of land registration.

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