

The Legal Protection for Land Rights Holders against Different Locations of Land Objects

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Abstract. *The importance of land ownership rights, the State in this case is represented by the National Land Agency (BPN) plays an important role in ensuring certainty and legal force for land rights holders. In the issuance of certificates, of course there are rights, checking the location of land parcels, and other procedures that must be followed. In this writing, the certificate issued by BPN experienced a discrepancy between the rights, in this case the Sale and Purchase Deed, so that the juridical data and physical data experienced differences. The existence of differences in physical and juridical data causes the certificate to be questioned for its legal certainty and strength. Efforts against the existence of administrative defects in certificates can be taken by means of, among others, administrative and judicial efforts. The problems in the research include how to protect the law for holders of land rights against differences in the location of land objects in the sale and purchase deeds and certificates, as well as about the legal consequences of these deeds and certificates. This study uses a normative juridical research method with descriptive research specifications where this study aims to describe (describe) a problem in a certain area or at a certain time. This study uses secondary data sources which are divided into primary legal materials, secondary and tertiary legal materials. The research results that have been collected are then analyzed qualitatively.*

Keywords: Deed; Certificate; Land; Protection, Holder.

1. Introduction

In Indonesia, the law that regulates land is Act No. 5 of 1960 concerning Agrarian Principles (UUPA). In the agrarian sphere, land is part of the earth, which is called the earth's surface. Land that is meant here does not regulate land in all its aspects, but only one aspect, namely land in a juridical sense called rights.¹

¹Santoso, Urip. (2017). *Hukum Agraria: Kajian Komprehensif, cetakan ke-6*. Jakarta: Kencana. p.9

The Basic Agrarian Law is applied to lay the foundations for the preparation of national agrarian law as a means of bringing justice, prosperity, and legal certainty for the state and also the people, especially for people who depend on farming for their lives. In order to create a prosperous, prosperous and just society, containing the basics of unity and simplicity in land law, as well as to provide legal certainty regarding land rights, a UUPA is given based on the land registration procedure in order to obtain a certificate.

Land rights are rights that authorize the holder of the right to use and/or take advantage of the land that is entitled to them. The word "use" implies that land rights are used for the purpose of constructing buildings, while the words "take advantage" implies that land rights are used for non-building purposes, such as agriculture, fisheries, animal husbandry, and plantations.²

Providing guarantees of legal certainty regarding land rights for all Indonesian people, which is one of the objectives of the enactment of the UUPA, can be realized through two efforts. One, the availability of written, complete and clear legal instruments that are carried out consistently in accordance with the spirit and provisions. Second, the implementation of land registration which makes it possible for holders of land rights who prove the rights to the land they control, and for interested parties, such as prospective buyers and prospective creditors, to obtain the necessary information regarding the land that is the object of the legal action to be carried out, and for the government to implement land policy.³

Of course, the physical data and juridical data listed in the certificate must be in accordance with the data contained in the measuring letter and land book because the measuring letter and land book are open to the public so that interested parties can match the data in the certificate. It should be noted that according to Government Regulation No. 10 of 1961 (PP 10 of 961), the measuring document is part of the certificate and is an excerpt from the registration map and according to PP 24 of 997 the measuring letter is an independent document in addition to the registration map and contains physical data on the parcel of land that concerned.⁴

The certificate guarantees legal certainty regarding the person who is the holder of land rights, legal certainty regarding the location of the land, the boundaries and area of a plot of land, and legal certainty regarding the rights to his land.

²Ibid. p.10

³Santoso, Urip. (2019). *Pendaftaran dan Peralihan Hak Atas Tanah, cetakan ke-6*. Jakarta Timur: Kencana. (hereinafter referred to as Urip, Santoso I) p. 2

⁴Sumarja, FX. (2010). *Hukum Pendaftaran Tanah*. Bandar Lampung: Universitas Lampung. p.46

Legal certainty can be given legal protection to the person whose name is listed in the certificate against interference from other parties.⁵

However, on the contrary, with the importance of the role of certificates as the basis for land ownership rights, it does not make the certificate holder automatically avoid or be protected from land disputes. Like the case raised in this study, with the research location in Cirebon Regency, precisely on st. Sijati I, Kertawinangun Village, Kedawung District, there is a difference in the location of the land object between what is stated in the Sale and Purchase Deed (AJB) and the certificate (in this case the Ownership Certificate). The location of the object written in the AJB is different from that contained in the certificate measuring letter, or it can be said that it is confused between one right holder and another right holder. This problem lasted for years and exceeded the maximum time limit for filing an objection based on the provisions of the legislation.⁶

As explained above that the certificate is the strongest evidence of ownership of land rights, so what if the certificate issued by a government agency in this case the National Land Agency (BPN) suffers from administrative legal defects due to discrepancies between physical data and juridical data as well as with data which is used as the basis for making the certificate which in this case is the Sale and Purchase Deed (AJB) of each party, as well as the period or time for filing objections to the certificate exceeding the expiration time determined by the laws and regulations.

2. Research Methods

The research method used in this thesis is a normative juridical research method. This normative legal research focuses on the inventory of positive law, legal principles and doctrines, legal systematics, and the level of legal synchronization. Collecting data in the literature study is an activity of tracing, checking, reviewing secondary data. This writing is analyzed qualitatively through the study of deductive thinking. This study uses an analytical knife of responsibility theory and legal certainty theory.

⁵Sutedi, Adnan. (2006). *Ketentuan Hukum Berlakunya Sertifikat Sebagai Tanda Bukti Hak Atas Tanah*. Jakarta: Cipta Jaya. p. 23

⁶Annisa Aulia dan I Made Udiana, 2016, "Perlindungan Hukum Bagi Pemegang Sah Hak Atas Tanah dengan Adanya Sertifikat Ganda Hak Atas Tanah", *Kertha Semaya: Journal Ilmu Hukum*, Vol. 5 No. 2.

3. Result and Discussion

3.1. Legal Protection Against Land Rights Holders Where There Are Differences in Land Objects Between the Deed of Sale and Purchase and Certificates

Law aims to realize legal certainty and high predictability, so that the dynamics of life together in society are 'predictable'.⁷ Legal protection as part of the concept of the rule of law is an effort by the government to ensure legal certainty in providing protection to his people. On the other hand, legal protection also means all efforts to protect a person's interests by giving a power to that person to take actions that can fulfill his interests.

According to Philipus M Hadjon as described in the previous chapter, it is divided into two, namely preventive and repressive legal protection. Preventive protection gives the public the opportunity to object before a government decision is accepted in a definitive form and in repressive legal protection efforts are made to resolve disputes that have occurred.

The theory of legal protection is a development of the concept of recognition and protection of human rights (HAM) which developed in the 19th century. The direction of the concept of recognition and protection of human rights is the existence of restrictions and placing obligations to the community and government.⁸

Before entering into legal protection efforts for land rights holders, it is necessary to first know what is included in the administrative legal defects in the issuance of this certificate. An application can be made if in the issuance of the certificate there is an administrative legal defect as regulated in Article 106 paragraph 1 jo. Article 107 of the Minister of Agrarian Affairs/BPN 9 of 999.

Based on this, in the case of administrative defects, the object of rights and juridical data or physical data are incorrect. (Article 106 paragraph 1 letter d and h). So when looking at these provisions, the holders of land rights have the right to apply for the cancellation of the certificate so that the data contained in the

⁷Sutedi, Adnan, Op. Cit., p. 46

⁸ Luthvi Febrika Nola, 2016, "Upaya Perlindungan Hukum Secara Terpadu Bagi Tenaga Kerja Indonesia (TKI)", dalam Negara Hukum : Membangun Hukum untuk Keadilan dan Kesejahteraan, Volume 7 No 1, <https://jurnal.dpr.go.id/index.php/hukum/article/view/949> accessed on March 3, 2021 at 21:11

certificate is returned in accordance with the physical data in the field.⁹

Legal remedies in this case, especially for land rights holders, have certainly been regulated in regulations legislation-invitation. Preventively, land rights holders mediate or consult with the local National Land Agency. If preventive measures fail to be taken, then efforts for repressive protection such as filing a lawsuit to the court can be carried out. The protection measures referred to in this case can be in the form of:¹⁰

a. Administrative Settlement Efforts

To realize orderly land administration, it is carried out by holding land registration properly, which is the basis and realization of orderly administration in the land sector, every land parcel and apartment unit including the transfer, encumbrance and annulment of rights to land parcels and property rights to apartment units must be registered.¹¹If this effort is taken, the parties or applicants may submit a written application to the Minister of Agrarian Affairs and Spatial Planning/National Land Agency through the land office whose working area covers the location of the land in question by attaching files such as photocopies of proof of identity and proof of citizenship. , photocopies of certificates and other documents supporting land ownership rights. The following includes administrative settlement efforts:

1) Complaints or objections

This administrative settlement is pursued by BPN beginning with complaints/objections from the public, namely individuals or legal entities containing the truth and demands of a State Administrative decision in the land sector that has been determined by the State Administration Officer within the BPN, which decision is deemed detrimental to their rights to a particular plot of land.

2) Research and Data Collection

After receiving the complaint file from the public, the official who is authorized to resolve this problem will conduct a research on the complaint file. From the

⁹Rizky Amalia, 2012. "Perlindungan Hukum Bagi Pemegang Hak Atas Tanah dalam Penetapan Ganti Rugi Terkait dengan Pengadaan Tanah untuk Kepentingan Umum". *Jurnal Yuridika*, Vol. 27 No.3, p. 270

¹⁰ Interview with the Head of Subsection for Measurement and Mapping of the Cirebon Regency BPN, 31 May 2021.

¹¹Ngadino, (2020). *Ketentuan Umum Tata Cara Pembuatan dan Pengisian Akta PPAT*, Semarang: UPT Penerbitan Universitas PGRI Semarang Press, p. 47

results of this study, it can be concluded temporarily whether the complaint can be processed further or not.

3) Mutation Prevention (status quo determination)

So that the interests of the person or legal entity entitled to the disputed land if it is deemed necessary after the Head of the BPN Office has conducted research and if his belief is indeed to be in the status quo, the disputed land can be blocked.

4) Resolution by way of deliberation

If a settlement is reached by deliberation, it must also be accompanied by written evidence such as: Notification Letter for the parties, Minutes of Meeting, and Finally, as evidence of the existence of peace, it is stated in the Deed of Peace which, if necessary, is made before a notary so that it has perfect legal force.

Consequences of an administrative settlement where an administrative defect has been found in the issuance of the certificate that was objected to by person or legal entity is the revocation or cancellation of the State Administrative Decree in the Land Sector (land certificate) by the Head of the BPN.

b. Effort Settlement through Court

If administrative settlement efforts have been taken but no settlement has been reached, then the final settlement taken is through the courts. After going through the trial there is a possibility, whether the claim is accepted or rejected. If the claim is rejected, it means that the certificate that has been issued is correct according to law and in accordance with applicable procedures. Then the head of the BPN can also issue a decision containing the rejection of the claims of third parties who object to the certificate.

While waiting for the court's decision, until there is a decision that has permanent legal force, it is prohibited for BPN officials to carry out mutations on the land in question. This right is intended to avoid incurring losses for the litigants and third parties.

If the plaintiff's claim is accepted, it means that there will be a cancellation or revocation of a decision letter that has been issued by a state administration official in the land sector in the form of a certificate. After a judge's decision has permanent legal force, the head of the local Regency/City land office through the relevant Provincial BPN Kakanwil proposes a request for cancellation or

revocation of a State Administrative decision in the land sector in accordance with a court decision.

According to article 1 paragraph 7 of Act No. 30 of 2014 concerning Government Administration, a State Administrative Decree (KTUN) is a written decision issued by a government agency and/or official in the administration of government. Based on this, the land certificate is a form of KTUN. What also needs to be considered is the time limit for filing a complaint with the Administrative Court, which is 90 days from the receipt or announcement of the decision of the state administrative body or official.

If you look at the time to take legal action through the PTUN, it is 90 days from the receipt of the decision by the state administration official, then the effort through this PTUN actually cannot be taken. This is because the land certificates owned by the parties were issued in the same year when the parties made the sale and purchase, namely 1993 and 2010 which means that the deadline for complaints to the Administrative Court is exceeded. However, the interpretation of 90 days can be interpreted in several interpretations, namely 90 days after publication, 90 days after it is known or 90 days after administrative efforts are made. So that the certificate may be submitted after it is known or has made administrative efforts.¹²

Provisions regarding the expiration date on the issuance of certificates are also regulated in Article 32 paragraph (1) PP No. 24 of 1997 which states that in the event that a parcel of land has been legally issued in the name of the person or legal entity that acquired the land in good faith and actually controls it, then the other party who feels that he has rights to the land can no longer demand the implementation of that right. if within 5 years from the issuance of the certificate, he does not file a written objection to the certificate holder and the Head of the Land Office concerned or does not file a lawsuit to the Court regarding land tenure or certificate issuance.

Based on the article, the certificates owned by each holder of land rights, in this case on behalf of Rauli AD Sischa and Oloan Palin Simbolon, cannot file an objection because the certificates were issued on January 27, 1995 and April 28, 1994 respectively exceeding the 5-year time limit stated by Article 32 paragraph 1 of PP No. 24 of 1997.

However, according to the provisions of Article 32 paragraph 1 of PP Number 24 of 1997, the system adopted is a negative publication system, namely the

¹² Interview with Lecturer and Notary of PPAT Cirebon Regency, 31 May 2021.

certificate is only a certificate of proof of strong rights and is not a letter of proof of absolute rights. This means that the physical data and juridical data listed in the certificate have legal force and must be accepted by the judge as true information as long as and as long as there is no other evidence that proves otherwise.

Thus, it is the court who has the authority to decide which evidence is correct and if it is proven that the certificate is not correct, then changes and corrections are made accordingly. So even though the certificate has exceeded its expiration time of 5 years, a cancellation request can still be submitted as long as there is evidence that can prove otherwise.¹³

PP No. 24 of 1997 seeks to provide legal certainty for owners or those who control land to register land. This can be seen by the existence of a sporadic registration system and a systematic registration system. Land registration is carried out sporadically, the land owner is active to carry out land registration. Systematic land registration is a land registration that involves the government in this case the BPN as the executor assisted by an independent committee.¹⁴

The legal provisions regulated in Articles 23 and 24 of PP No.24 of 997 on land registration indicate that legal construction requires the existence of certain evidence that can be used as a basis for rights that can be used for a person or legal entity. Citizens can sue the state for the existence of land rights that are held or legally owned by adhering to certified evidence, then the evidence will serve as a formal juridical basis that can be used to legalize their assets, meaning that it is a right for citizens who own land. In order to be able to issue certificates of evidence as well as evidence of ownership of land rights, apart from property rights to land, there are also rights to manage state land rights. Juridical instruments or evidence of ownership can be distinguished as follows:

- 1) To prove the granting of new rights, which are called new rights to land which are still state land, then the status of the rights must be proven by a government decree issued by the authorized official for the management rights. The concrete form of this government stipulation is a decree granting ownership rights to land.
- 2) The second proof of granting new rights is an authentic deed where the PPAT deed according to legal provisions includes evidence of ownership of new rights (rights that arise because they are carried out based on the transfer of rights) to the recipient concerned.

¹³ Interview with Lecturer and Notary & PPAT Cirebon Regency, 31 May 2021.

¹⁴Indri Hadisiswati, 2014, "Kepastian Hukum dan Perlindungan Hukum Hak Atas Tanah", *Jurnal Ahkam*, Vol. 2 No. 1.

- 3) The granting of new rights based on other juridical instruments referred to as old land rights, whose existence is recognized by law as written evidence of land rights ownership.

The provisions that underlie land registration are as defined in Article 1 of PP NO.24 of 1997. The weakness of the basis for registration is that there is no accountability for all series in the implementation of the registration. A legal act exists because of a legal event, here what happens is a legal event in a series of land rights registration activities where the authority for its implementation is given to the government (BPN) and from that legal event the registration of land rights is required to be carried out. On the obligations of both parties (the government and interested parties) so that a legal relationship arises, namely the legal relationship that occurs between the parties carrying out the authority to carry out registration duties.

With respect to the legal relationship that appears in the registration of land rights, there is a legal relationship between the rights and obligations of each for the registration so that it creates legal consequences whether or not the results of a land registration are legal. The implication of whether or not a land certificate is valid as a result of land registration is that there should be legal accountability, to the interested parties and or accountability to the public. Land registration has a legal relationship vertically and horizontally to the public, so that accountability to the public is an obligation that must be fulfilled.

The finding is that the implementation of the land registration system in Indonesia has not been able to create certainty of rights and orderly land administration, which is because BPN has not used and utilized adequate cutting-edge technology, the application of this technology is only limited to theory and regulatory texts, not yet at the level of implementation in the field. In theory, in order to promote acceleration of land certification, the government should prioritize the activities of the deputy for surveying, measuring and mapping to make large-scale base maps and maps of land parcels and other thematic maps digitally with an adequate database in accordance with technological developments and legal developments at this modern. So that the base maps and maps of land parcels made by BPN have adequate, effective, and efficient capabilities.¹⁵

¹⁵Widhi Handoko, (2014), *Kebijakan Hukum Pertanahan Sebuah Refleksi Keadilan Hukum Progresif*, Yogyakarta: Thafa Media. p. 259

3.2. Legal Consequences for Sale and Purchase Deeds and Certificates with Different Locations of Land Objects

Legal consequences according to Achmad Ali is a consequence caused by the law on an act committed by a legal subject. Soeroso further stated that legal consequences are a result of actions taken to obtain a result expected by legal actors. The legal consequences in question are consequences regulated by law, while the actions taken are legal actions, namely actions that are in accordance with applicable law.¹⁶ Land rights currently in force in Indonesia are one of the things regulated in Agrarian Law and are based on the existence of customary law. That a very valuable and important asset at this time and many problems that arise and originate from land rights.¹⁷

An internal sale and purchase deed that does not experience evidence from other parties that what is contained in the deed is wrong or there has been no court decision with permanent legal force to declare the deed void, it will remain as an authentic deed.

Regarding the legal consequences of the sale and purchase deed, of course, it is also necessary to review the terms of the validity of the agreement contained in Article 1320 of the Civil Code, namely:

- 1) Subjective conditions, which are included in this subjective condition are the agreement of the parties and legal competence. The result of not fulfilling this requirement is that the deed can be cancelled. Judging from this case, the deed of sale and purchase that has been made is in accordance with the subjective requirements for the validity of the agreement, namely the existence of an agreement and the parties involved are legally competent.
- 2) The objective conditions, which are included in this objective condition, are regarding the object of the agreement and the lawful cause. The non-fulfillment of the object conditions results in the agreement being null and void.

The deed of sale and purchase owned by Oloan Parlin Simbolon, Rauli AD Sischa and Irdawati, which is the basis for the rights to manufacture and transfer the acquisition of land rights, has legal force as long as there is no court decision to cancel it. In order to restore the rights of each right holder, the Head of Subsection for Measurement and Mapping of the Cirebon Regency BPN, has provided the opportunity to submit a request for re-measurement requested by

¹⁶R Soeroso. (2006). *Pengantar Ilmu Hukum*, Jakarta : Sinar Grafika, p. 295

¹⁷Ngadino. Op.Cit, p. 47

the parties. However, the BPN also underlined that any error in measuring or laying the plot of land location could come from any party, not absolutely the fault of the BPN measuring officer. So that in the future all parties involved are expected to be able to coordinate and provide true information so that later no party will be harmed.¹⁸

Because the physical object of the land parcel has been occupied by each party, a deed of exchange made by the local PPAT can be made so that later there will be an exchange of land parcels and automatically the deed of sale and purchase used as the basis for the certificate will be replaced with a deed of exchange the new one.¹⁹ As in Government Regulation No. 24 of 1997, buying and selling is carried out before the PPAT who will issue a deed of sale and purchase, the deed is a condition for registering land at the Land Office. The deed made by the PPAT is or is qualified as an authentic deed.²⁰

After the legal consequences of the deed of sale and purchase, of course it will also affect the the certificate. Before the legal consequences for the certificate, it is necessary to know in advance the cause of the certificate which is legally flawed. A legal defect certificate is proof of a land right that has been issued and there are things that cause its cancellation, because in its management there are elements of coercion, error, fraud and others. Or the formal procedure is inappropriate or violated, and the legal consequences are null and void.

Cancellation of certificate is a certificate issuance which is null and void because of a legal defect or in carrying out a court decision which obtain permanent legal force as regulated in Article 104 paragraph 2 of the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency No. 9 of 1999.

In line with the certificate as proof of rights, in Government Regulation Number 24 of 1997 article 3 states that land registration aims to provide legal certainty and legal protection to the holder of rights to a plot of land, apartment units and other registered rights so that can easily prove himself/herself as the holder of the right in question, to provide information to interested parties including the government so that the data needed to carry out legal actions can be easily obtained regarding registered land parcels and apartment units, and for the implementation of orderly land administration.

¹⁸ Results of an interview with the Cirebon Regency BPN Measurement and Mapping Casebsie

¹⁹ *Ibid.*

²⁰ Imam Surya Saputra, 2020, *Akibat Hukum Adanya Penyalahgunaan Keadaan Pada Perjanjian Jual Beli Tanah Di Banda Aceh*, Jurnal IUS Kajian Hukum dan Keadilan Volume 8 Issue. 2, E-ISSN 2477-815X, P-ISSN 2303-3827.

The legal consequence of a discrepancy in the juridical data in the certificate with the basis of rights, namely in this case is a deed of sale and purchase, will result in the certificate being canceled. However, because the certificate is a product of a public official, in this case an official of the Head of the National Land Agency, the cancellation of the certificate must go through a procedure.²¹The procedure is through an application to the BPN, through the District Court, or through the Administrative Court. In fact, Article 106 paragraph 1 of the Minister of Agrarian Affairs/BPN No. 9 of 1999 states that the competent authority can make a decision on the cancellation of land rights due to administrative legal defects in its issuance.

Further regarding certificates with administrative defects, the Land Office as the institution authorized to certify rights to land rights land so as not to leave a question of accuracy and thoroughness in its handling. This is because errors and omissions in the issuance of certificates will result in the failure of the goal to be achieved, namely legal certainty regarding land rights.

The affirmation of the character of the negative publicity system can be seen in the jurisprudence of the Supreme Court of the Republic of Indonesia which expressly states that our land registration adheres to the negative publicity system. The publication system used by the UUPA and PP No. 24 of 1997 is a negative publicity system that contains positive elements, the system is not pure negative, because it is stated in article 19 paragraph 2 letter C that registration produces letters of proof of rights, applies as a tool of right of proof that is valid. Likewise, it is stated in article 23 paragraph 2, and 38 paragraph 2.

Land registration system and regulation on negative publicity system, which became the benchmark for legal certainty is not registration but the validity of the legal action taken which determines the transfer of rights to the buyer. Registration does not make the person who acquires land from the rightful party the new right holder. Bookkeeping of a right in the land book register in the name of a person does not result in that the person who is actually entitled to the land will lose his rights, that person (the party who feels he has the right) can still use the rights of the person registered in the land book as the entitled person.

Law as a means to channel wisdom is largely determined by the relationship between these components and the objectives to be achieved by policy. Success or failure of course does not only depend on the official policy announced by the government, but is determined by all the actions of the implementers.

²¹ *Ibid.*

Comprehensively there are four aspects of the problems that cause national development and government policies in the Indonesian bureaucratic system, including land law policies in the bureaucratic system and BPN services that have not met expectations, namely (1) the roots of bureaucratic culture with the modern bureaucratic paradigm are not appropriate, (2) politicization of the bureaucracy ineffective, (3) the reward and punishment system is not effective, (4) there is also inefficiency in the bureaucratic structure.²²

4. Closing

Legal protection for land rights holders whose objects differ between certificates and land sales and purchase deeds is an effort by the government to ensure legal certainty in providing protection to its people. Legal remedies, especially for land rights holders, have certainly been regulated in laws and regulations. Preventively, land rights holders mediate or consult with the local National Land Agency. If preventive measures fail to be taken, then efforts for repressive protection such as filing a lawsuit to the court can be carried out. However, it should be noted in Article 32 PP No. 24 of 1997 that the expiration date of the objection to the issuance of the certificate is 5 years from the date the certificate is issued. The legal consequences of the deed of sale and purchase as the basis for rights remain an authentic deed, the power of proof is perfect and not degraded into a deed under the hand, canceled or becomes a deed that is null and void by law. The error that occurs is when determining the boundaries of the land, resulting in a discrepancy between the physical data and juridical data contained in the certificate. Thus, the legal consequences of the deed are null and void. However, because the certificate is a product of state administrative officials, it is necessary to improve the certificate in accordance with physical data and juridical data. In the issuance of land certificates, of course, it requires juridical data such as the basis of rights. The parties involved in the registration of land rights such as applicants, boundary markers, related officials and surveyors must be able to harmonize all data. Apart from this, the National Land Agency as the institution authorized to issue certificates should not make certificates with accuracy and precision which will result in the failure of the goal of creating legal certainty for holders of land rights. The deed of sale and purchase and certificate are proof of ownership that have legal force based on the provisions of the law.

²²Widhi Handoko. Op. Cit., p. 232

5. References

Journals:

- [1] Annisa Aulia dan I Made Udiana, 2016, "Perlindungan Hukum Bagi Pemegang Sah Hak Atas Tanah dengan Adanya Sertifikat Ganda Hak Atas Tanah", *Kertha Semaya: Journal Ilmu Hukum*, Vol. 5 No. 2.
- [2] Imam Surya Saputra, 2020, "Akibat Hukum Adanya Penyalahgunaan Keadaan Pada Perjanjian Jual Beli Tanah Di Banda Aceh", *Jurnal IUS Kajian Hukum dan Keadilan*, Volume 8 Issue. 2.
- [3] Indri Hadisiswati, 2014, "Kepastian Hukum dan Perlindungan Hukum Hak Atas Tanah", *Jurnal Ahkam*, Vol. 2 No. 1.
- [4] Luthvi Febrika Nola, 2016, "Upaya Perlindungan Hukum Secara Terpadu Bagi Tenaga Kerja Indonesia (TKI)", *Jurnal Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan*, Volume 7 No 1.
- [5] Rizky Amalia, 2012, "Perlindungan Hukum Bagi Pemegang Hak Atas Tanah dalam Penetapan Ganti Rugi Terkait dengan Pengadaan Tanah untuk Kepentingan Umum". *Jurnal Yuridika*, Vol. 27 No. 3.

Books:

- [1] Handoko, Widhi, (2014), *Kebijakan Hukum Pertanahan Sebuah Refleksi Keadilan Hukum Progresif*, Yogyakarta: Thafa Media.
- [2] Ngadino, (2020). *Ketentuan Umum Tata Cara Pembuatan dan Pengisian Akta PPAT*, Semarang: UPT Penerbitan Universitas PGRI Semarang Press.
- [3] R Soeroso. (2006). *Pengantar Ilmu Hukum*, Jakarta: Sinar Grafika.
- [4] Santoso, Urip. (2017). *Hukum Agraria: Kajian Komprehensif, cetakan ke-6*. Jakarta: Kencana.
- [5] _____. (2019). *Pendaftaran dan Peralihan Hak Atas Tanah, cetakan ke-6*. Jakarta Timur: Kencana.
- [6] Sumarja, FX. (2010). *Hukum Pendaftaran Tanah*. Bandar Lampung: Universitas Lampung.
- [7] Sutedi, Adnan. (2006). *Ketentuan Hukum Berlakunya Sertifikat Sebagai Tanda Bukti Hak Atas Tanah*. Jakarta: Cipta Jaya.