



RELEVANCE OF THE PRINCIPLE OF PUBLICITY IN LAND REGISTRATION TO THE PROTECTION OF CIVIL RIGHTS

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ABSTRACT

The principle of publicity in Indonesian land registration ensures legal certainty and civil rights protection by requiring land rights to be publicly recorded, making them legally binding on third parties. This article aims to analyze the position and meaning of the principle of publicity in the Indonesian land registration system, examine its implementation in land registration practices, and assess its role in the protection of civil rights and the resolution of land disputes. This study uses a qualitative design with a juridical normative approach through an analysis of the Basic Agrarian Law, Government Regulations on Land Registration, and current land policies, including the Complete Systematic Land Registration and the digitalization of land services. The results show that the principle of publicity plays a central role in creating legal certainty, protecting parties in good faith, and strengthening the proof of rights in civil land disputes. However, the dynamics of regulation and the acceleration of land registration require strengthening mechanisms for data transparency and accuracy so that the principle of publicity continues to function optimally. This research contributes theoretically to strengthening the doctrine of property law and practically provides recommendations for developing equitable land registration policies.

A. INTRODUCTION

Land registration is a fundamental instrument in the Indonesian land law system, aiming to ensure legal certainty and protect civil rights over land. Within the framework of a state governed by the rule of law, land rights are not merely understood as a private relationship between parties, but as a legal relationship that must be legitimized by the state to be binding on third parties. Therefore, land registration is not merely administrative but also has a

strategic legal function in creating legal order, social stability, and secure land transactions.¹

One of the main principles underpinning the land registration system is the principle of publicity.² This principle requires that all land rights be announced or made publicly available through official registration mechanisms administered by the state. Through publicity, everyone is deemed to know the legal status of a plot of land and is therefore obliged to respect registered rights. In property law doctrine, the principle of publicity serves as a means of externalizing rights to bind third parties and prevent conflicts of interest over the same object.³

In the context of Indonesian land law, the principle of publicity emphasizes that the emergence of land rights is not solely based on private agreements or factual ownership. These rights must be recorded and announced through the land registration system to obtain optimal legal protection, especially for third parties acting in good faith. Land registration functions as a form of public legal notice concerning the physical and juridical details of a parcel of land, helping to reduce the likelihood of disputes caused by overlapping ownership claims.⁴

The normative basis of the principle of publicity is explicitly reflected in Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (*Undang-Undang Pokok Agraria/UUPA*), which requires the state to organize land registration to ensure legal certainty. This provision was then

¹ Sugina Hidayanti, Indra Koswara, and Yopie Gunawan, "The land legal system in Indonesia and land rights according to the basic agrarian law (UUPA)," *Legal Brief* 11, no. 1 (2021): 369. See too, James Yoseph Palenewen, "Legal consequences for land rights holders who do not register their rights with the National Land Agency Papua Province," *Contemp. Readings L. & Soc. Just.* 16 (2024): 28.

² Winahyu Erwiningsih, "Enhancing legal certainty in land collateral: Bridging regulatory gaps, mitigating vulnerabilities, and promoting credit access in Indonesia," *Croatian International Relations Review* 29, no. 93 (2023): 29. See too, R. Roswandi, A. Mashdurohatun, and S. E. Wahyuningsih, "Legal Reconstruction of Absentee Land Registration Arrangements through Complete Systematic Land Registration Based on Justice Value," *Scholars International Journal of Law, Crime and Justice* 6, no. 02 (2023): 109.

³ Mira Novana Ardani, "Tantangan pelaksanaan kegiatan Pendaftaran Tanah Sistematis Lengkap dalam rangka mewujudkan pemberian kepastian hukum," *Gema Keadilan* 6, no. 3 (2019): 272. See too, Juliana Evawati, "Asas Publisitas Pada Hak Jaminan Atas Resi Gudang," *Yuridika* 29, no. 2 (2014): 236; Djon Sumardi Gozali, "Dasar filosofis dan karakteristik asas publisitas dalam jaminan kebendaan," *Jurnal Hukum Dan Kenotariatan* 5, no. 4 (2021): 593; Sry Wulandari, Ahmadi Miru, Anwar Borahima, and Oky Deviany Burhamzah, "The Principle of Publicity in the Binding of Guarantees For Credit in the Distribution of Credit in Banking Institutions Linked to the Prudential Banking Principle," *Journal of Law and Sustainable Development* 12, no. 1 (2024): 85.

⁴ Wahyu Perkasa Oktavio, "Penerapan Asas Publisitas pada Pendaftaran Tanah Sistematis Lengkap di Kota Sawahlunto Provinsi Sumatera Barat," *UNES Law Review* 5, no. 1 (2022): 139. See too, Restu Adi Putra, Dominikus Rato, and Dyah Ochtorina Susanti, "Kepastian Hukum Pengaturan Publisitas Pada Program Pendaftaran Tanah Sistematis Lengkap (PTSL)," *Jurnal Ilmu Kenotariatan* 2, no. 2 (2021): 9.

operationalized through Government Regulation Number 24 of 1997 concerning Land Registration, which positions certificates as strong evidence and opens public access to land information. Thus, certificates serve not only as proof of rights but also as an instrument of legal protection for rights holders, provided they are obtained and registered in accordance with procedures.⁵

However, the dynamics of land policy indicate challenges in implementing the principle of publicity, particularly since the implementation of the Complete Systematic Land Registration Program (*Pendaftaran Tanah Sistematis Lengkap*/PTSL). Accelerating land registration through simplified procedures and shortening the timeframe for announcing physical and legal data is considered to have the potential to reduce the effectiveness of the principle of publicity, particularly in providing adequate space for other parties to file objections.⁶ Several studies have shown that this situation can create legal vulnerabilities and new disputes if not balanced with adequate oversight and information transparency.⁷

Although numerous studies have examined the principle of publicity in land registration as an instrument to ensure legal certainty and protect third parties, most of them focus primarily on normative and conceptual aspects without thoroughly addressing its implementation dynamics within accelerated land registration policies.⁸ Meanwhile, studies on the Complete Systematic

⁵ Giovanni Rondonuwu, "Kepastian Hukum Peralihan Hak Atas Tanah Melalui Jual Beli Berdasarkan PP Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah," *Lex Privatum* 5, no. 4 (2017): 152096. See too, Fina Ayu Safitri, Lita Tyestas Alw, and Anggita Doramia Lumbanraja, "Akibat Hukum Penggunaan Sistem Publikasi Negatif Berunsur Positif dalam Pendaftaran Tanah Di Kota Semarang," *Notarius* 13, no. 2 (2020): 789; Ida Ayu Dinda Maharani, I. Nyoman Alit Puspadma, and Ni Gusti Ketut Sri Astiti, "Keabsahan Jual Beli Hak atas Tanah yang Dilakukan tanpa Akta PPAT Ditinjau dari Perspektif Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah," *Jurnal Konstruksi Hukum* 4, no. 3 (2023): 263.

⁶ Arkadiusz Wudarski, "Access to land and mortgage registers: between legal certainty and privacy protection," In *Research Handbook on European Property Law*, (Britania Raya: Edward Elgar Publishing, 2024), 162. See too, Paweł A. Blajer, "On the principle of public faith of land registers in a comparative context," *European Property Law Journal* 12, no. 2-3 (2024): 83; Hano Ernst, and Tatjana Josipovic, "Functions of Land Registration Entries and the Protection of Personal Data," *Zb. Prav. Fak. Sveuc. Rij.* 45 (2024): 21; Arif Tanri, Bambang Eko Turisno, and Adya Paramita Prabandari, "Kepastian Hukum Hak Atas Tanah Melalui Pendaftaran Tanah Sistematis Lengkap," *Notarius* 13, no. 2 (2020): 779.

⁷ Isdiyana Kusuma Ayu, "Problematika Pelaksanaan Pendaftaran Tanah Melalui Pendaftaran Tanah Sistematis Lengkap Di Kota Batu," *Legality: Jurnal Ilmiah Hukum* 27, no. 1 (2019): 31. See too, Meidy Triasavira, Sjaifurrachman Sjaifurrachman, and Imam Rofiqi, "Pergeseran Asas Publisitas Dalam Pendaftaran Tanah Pertama Kali," *Jurnal Jendela Hukum* 9, no. 2 (2022): 148; Prama Widianugraha, "Tinjauan normatif pendaftaran tanah sistematis lengkap dikaitkan pembentukan aturan peraturan perundang-undangan," *Jurnal Bina Mulia Hukum* 3, no. 2 (2019): 212.

⁸ Juliana Evawati, "Asas Publisitas Pada Hak Jaminan Atas Resi Gudang," *Yuridika* 29, no. 2 (2014): 237. See too, Djoni Sumardi Gozali, "Dasar filosofis dan karakteristik asas publisitas dalam jaminan kebendaan," *Jurnal Hukum Dan Kenotariatan* 5, no. 4 (2021): 596. See too, Iwan Erar Joesoef, "The Existence Of Adat Law Related To Land Right Transaction After

Land Registration Program tend to emphasize administrative efficiency and the acceleration of certification processes, but have not specifically analyzed its implications for the weakening of the publicity principle, particularly in limiting objection mechanisms and protecting good-faith parties.⁹ Furthermore, contemporary debates on the balance between transparency and personal data protection remain rarely connected to the land registration system in Indonesia.¹⁰

From a comparative legal perspective, the principle of publicity is recognized as a universal principle in modern land registration systems, both the Continental European system and the Torrens system. This principle serves to protect legal certainty and ensure the trust of good-faith third parties through trust in the data contained in the land register. However, recent developments indicate a debate regarding the balance between information transparency and personal data protection, particularly in the context of the digitalization of land administration. Against this backdrop, this article aims to analyze the meaning and position of the publicity principle in the Indonesian land registration system and its relevance to the protection of civil rights. The study focuses on the role of the publicity principle in ensuring legal certainty, preventing land disputes, protecting parties acting in good faith, and strengthening the evidence base in civil land disputes.

In light of the foregoing discussion, this study formulates several research questions to further examine the role and implementation of the principle of publicity within Indonesia's land registration system.

Unification Of Indonesian Agrarian Law: The Problem Of Legal Transplant," *Veteran Law Review* 1, no. 1 (2018): 28; Wahyu Perkasa Oktavio, "Penerapan Asas Publisitas pada Pendaftaran Tanah Sistematis Lengkap di Kota Sawahlunto Provinsi Sumatera Barat," *UNES Law Review* 5, no. 1 (2022): 141; Restu Adi Putra, Dominikus Rato, and Dyah Ochtorina Susanti, "Kepastian Hukum Pengaturan Publisitas Pada Program Pendaftaran Tanah Sistematis Lengkap (PTSL)," *Jurnal Ilmu Kenotariatan* 2, no. 2 (2021): 10.

⁹ Gianni Putrisasmita, "Kedudukan program pendaftaran tanah sistematis lengkap dalam kerangka reforma agraria untuk mewujudkan kepastian hukum pertanahan di Indonesia," *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, dan Agraria* 3, no. 1 (2023): 19. See too, Mira Novana Ardani, "Tantangan pelaksanaan kegiatan Pendaftaran Tanah Sistematis Lengkap dalam rangka mewujudkan pemberian kepastian hukum," *Gema Keadilan* 6, no. 3 (2019): 273; Meidy Triasavira, Sjaifurrachman Sjaifurrachman, and Imam Rofiqi, "Pergeseran Asas Publisitas Dalam Pendaftaran Tanah Pertama Kali," *Jurnal Jendela Hukum* 9, no. 2 (2022): 149; Prama Widianugraha, "Tinjauan normatif pendaftaran tanah sistematis lengkap dikaitkan pembentukan aturan peraturan perundang-undangan," *Jurnal Bina Mulia Hukum* 3, no. 2 (2019): 214.

¹⁰ Paweł A. Blajer, "On the principle of public faith of land registers in a comparative context," *European Property Law Journal* 12, no. 2-3 (2024): 85. See too, Hano Ernst, and Tatjana Josipovic, "Functions of Land Registration Entries and the Protection of Personal Data," *Zb. Prav. Fak. Sveuc. Rij.* 45 (2024): 23; Arkadiusz Wudarski, "Access to land and mortgage registers: between legal certainty and privacy protection," In *Research Handbook on European Property Law*, (Britania Raya: Edward Elgar Publishing, 2024), 163.

1. What is the meaning and position of the principle of publicity in the Indonesian land registration system in ensuring legal certainty over land rights?
2. To what extent is the principle of publicity implemented in land registration, particularly through the PTSL program?
3. What is the role of the principle of publicity in the protection of civil rights and in the resolution of land disputes?

B. RESEARCH METHODS

This study employs a qualitative research design with a normative-juridical approach, focusing on the study of written legal norms and legal doctrines governing land registration, as well as the principle of publicity in Indonesian land law. This normative approach is used to analyze positive legal principles related to land registration as an instrument for protecting civil rights, particularly in relation to the enforceability of rights against third parties.

The primary legal materials examined in this study consist of Law Number 5 of 1960 concerning Basic Agrarian Regulations and Government Regulation Number 24 of 1997 concerning Land Registration, along with related implementing regulations governing land registration and land administration in Indonesia. These materials serve as the main normative foundation for analyzing the principle of publicity within the national land law system. In addition, this study employs secondary legal materials, including scientific literature, legal textbooks, and scholarly journal articles that discuss the principle of publicity, land registration systems, and the protection of civil rights. The data analysis technique used is descriptive-analytical, which involves systematically outlining and interpreting relevant legal provisions, as well as examining the opinions and doctrines developed by legal scholars to provide a comprehensive and coherent legal analysis. This analysis aims to explain the meaning, position, and relevance of the principle of publicity in land registration, as well as its implications for the protection of civil rights in land law practices in Indonesia.

C. DISCUSSION

1. The Position and Meaning of the Principle of Publicity in the Indonesian Land Registration System

The principle of publicity occupies a central position in the Indonesian land registration system because it serves as a principle that bridges the private interests of rights holders with the public interest in creating legal

certainty.¹¹ In the context of property law, the principle of publicity requires that absolute rights that can be defended against anyone (*erga omnes*) must be declared openly to the public. Without publicity, property rights have the potential to remain only internally enforceable between the parties and lose their protective power when dealing with third parties.

In Indonesian land law, the principle of publicity gained strong normative legitimacy through Law Number 5 of 1960 concerning Basic Agrarian Regulations (*Undang-Undang Pokok Agraria/UUPA*).¹² Article 19 paragraph (1) of the UUPA states that to ensure legal certainty, the government conducts land registration throughout the territory of the Republic of Indonesia. This provision demonstrates that land registration is not merely an administrative obligation, but rather a legal instrument for creating certainty, order, and protection of rights. Furthermore, Article 19 paragraph (2) of the UUPA emphasizes that land registration includes measurement, mapping, bookkeeping, registration of land rights, and the issuance of certificates of title that serve as strong evidence.

From the formulation of Article 19 of the UUPA, it can be deduced that the state plays an active role as the authority that announces the legal status of land to the public. Thus, the principle of publicity in land registration is interpreted not only as information transparency, but also as a mechanism for the legalization and legitimization of civil rights to land by the state. Rights that have been registered and announced through the registration system receive stronger legal recognition than rights based solely on private agreements or physical possession.

Further regulations regarding the operational principle of publicity can be found in Government Regulation Number 24 of 1997 concerning Land Registration.¹³ Article 1, number 1 of this PP defines land registration as a

¹¹ Satriyo Ardi Kartono, "Politik Hukum Pertanahan Dalam Rangka Percepatan Pendaftaran Tanah Di Indonesia," *Esensi Hukum* 2, no. 1 (2020): 98. See too, Auliah Ambarwati, "Pendaftaran tanah sistematis lengkap, efektifkah?," *Dinamika Hukum* 22, no. 1 (2021): 9; Bhim Prakoso, "Pendaftaran tanah sistematis lengkap sebagai dasar perubahan sistem publikasi pendaftaran tanah," *Journal of Private and Economic Law* 1, no. 1 (2021): 67.

¹² Ni Komang Putri Sari Sunari Wangi, Komang Febrinayanti Dantes, and Ketut Sudiarmaka, "Analisis yuridis hak ulayat terhadap kepemilikan tanah adat berdasarkan Undang-Undang nomor 5 tahun 1960 tentang peraturan dasar pokok-pokok agraria," *Jurnal Ilmu Hukum Sui Generis* 3, no. 3 (2023): 114. See too, Reynaldi A. Dilapanga, "Sertifikat Kepemilikan Hak Atas Tanah Merupakan Alat Bukti Otentik Menurut Undang-Undang Pokok Agraria No. 5 Tahun 1960," *Lex Crimen* 6, no. 5 (2017): 150296; K. Hendra Mahesa, Muhamad Jodi Setianto, and Komang Febrinayanti Dantes, "Perlindungan Hukum Dalam Jual Beli Tanah Di Bawah Tangan Berdasarkan Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria," *Jurnal Ilmu Hukum Sui Generis* 3, no. 4 (2023): 118.

¹³ Ida Ayu Dinda Maharani, I. Nyoman Alit Puspadma, and Ni Gusti Ketut Sri Astiti, "Keabsahan Jual Beli Hak atas Tanah yang Dilakukan tanpa Akta PPAT Ditinjau dari Perspektif Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah," *Jurnal Konstruksi Hukum* 4, no. 3 (2023): 264. See too, Bronto Susanto, "Kepastian Hukum Sertifikat Hak Atas Tanah

series of activities carried out by the government on a continuous, ongoing, and regular basis, including the collection, processing, bookkeeping, presentation, and maintenance of physical and legal data in the form of maps and lists. The elements of "presentation" and "maintenance" of data show that land registration has a public dimension, where land data is not closed, but can be accessed for the legal interests of the community.

Furthermore, Article 32 paragraph (1) of Government Regulation Number 24 of 1997 emphasizes that a certificate is a document of proof of title that serves as strong evidence regarding the physical and legal data contained therein. This provision demonstrates the close relationship between the principle of publicity and the evidentiary function. Certificates serve not only as documents of ownership but also as a concrete manifestation of the publicity of land rights. Through certificates, the state announces to the public that a particular legal subject is the legitimate holder of rights to a particular plot of land.

From the perspective of property law doctrine, the principle of publicity is an essential requirement for the emergence and validity of property rights. Property rights are distinguished from individual rights by their absolute nature and ability to be defended against anyone. Therefore, property rights require an externalization mechanism so that third parties can be aware of the existence of these rights. Land registration serves as a means of this externalization, allowing anyone who intends to carry out legal actions on land to base their actions on the available registration data.

The principle of publicity in the Indonesian land registration system is also closely related to the protection of good-faith third parties. Through registration and data transparency, parties who acquire land rights based on official state information deserve legal protection. This aligns with the purpose of land registration, as stipulated in Article 3 of Government Regulation Number 24 of 1997, namely to provide legal certainty and legal protection to land rights holders.¹⁴ The principle of publicity thus serves a preventive function in preventing disputes, while also acting as a repressive measure in strengthening the legal standing of certificate holders should a dispute arise.

Therefore, the principle of publicity in the Indonesian land registration system is fundamental and inseparable from the concept of legal certainty.

Berdasarkan Peraturan Pemerintah Nomor 24 Tahun 1997," *DiH: Jurnal Ilmu Hukum* (2014): 36.

¹⁴ Mikha Ch Kaunang, "Proses Pelaksanaan Pendaftaran Tanah Menurut Peraturan Pemerintah Nomor 24 Tahun 1997," *Lex Crimen* 5, no. 4 (2016): 145465. See too, Yusmiarni, Hardimen Hardimen, and Taufik Yuris Alzera, "Implementasi Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 6 Tahun 2018 tentang Pendaftaran Tanah Sistematis Lengkap (Studi di Kantor Pertanahan Kabupaten Pasaman)," *Jurnal Thengkyang* 10, no. 1 (2025): 59.

This principle serves as the foundation for state recognition of civil rights to land and serves as an instrument of legal protection in relations with third parties. Through the UUPA and the PP on Land Registration, the principle of publicity is not only conceptually recognized but also normatively implemented as a key pillar of the national land law system.

Various studies have shown that the principle of publicity in land registration is no longer understood as a static principle, but rather experiences shifting meanings and implementation challenges in line with the dynamics of land administration regulations and practices.¹⁵ Triasavira¹⁶ critically identified differences in the announcement timeframes between Government Regulation Number 24 of 1997 and Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 6 of 2018 concerning PTSL.¹⁷ This difference raises legal issues related to the protection of other legal entities who could potentially lose their rights due to shorter announcements. These findings demonstrate that the principle of publicity is not merely related to the formality of announcements but also has direct implications for the existence and sustainability of civil rights.

From a property law perspective, it is emphasized that publicity is a constitutive requirement for the birth of rights, particularly in the context of mortgage right.¹⁸ Registration is an absolute prerequisite for these property rights to bind third parties and provide preferential status to creditors. This view positions the principle of publicity as an instrument of structural legal protection, not merely administrative. A similar view also emphasizes that mortgage registration is a concrete form of implementing the principle of publicity as mandated by Law Number 4 of 1996.¹⁹

¹⁵ Sugina Hidayanti, Indra Koswara, and Yopie Gunawan, "The land legal system in Indonesia and land rights according to the basic agrarian law (UUPA)," *Legal Brief* 11, no. 1 (2021): 374. See too, R. Roswandi, A. Mashdurohatun, and S. E. Wahyuningsih, "Legal Reconstruction of Absentee Land Registration Arrangements through Complete Systematic Land Registration Based on Justice Value," *Scholars International Journal of Law, Crime and Justice* 6, no. 02 (2023): 110.

¹⁶ Meidy Triasavira, Sjaifurrachman Sjaifurrachman, and Imam Rofiqi, "Pergeseran Asas Publisitas Dalam Pendaftaran Tanah Pertama Kali," *Jurnal Jendela Hukum* 9, no. 2 (2022): 150.

¹⁷ Ida Ayu Dinda Maharani, I. Nyoman Alit Puspadma, and Ni Gusti Ketut Sri Astiti, "Keabsahan Jual Beli Hak atas Tanah yang Dilakukan tanpa Akta PPAT Ditinjau dari Perspektif Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah," *Jurnal Konstruksi Hukum* 4, no. 3 (2023): 265.

¹⁸ M Kurucz, "The transformation of Hungarian land registry law, in the light of security of real rights and of the protection of public faith (Second part)," *Geodezia es Kartografia*, 57, no. 9, (2005): 32. See too, I. Ketut Oka Setiawan, *Hukum Pendaftaran Tanah dan Hak Tanggungan*, (Jakarta: Sinar Grafika, 2025), 232.

¹⁹ Endah Retno Saraswati, Septarina Budiwati, and Shalman Al Farizi, "Pelaksanaan Pendaftaran Hak Tanggungan Sebagai Implementasi Asas Publisitas Dalam Hak Tanggungan (Studi di Kantor Pertanahan Kota Surakarta)," (PhD diss., Universitas Muhammadiyah Surakarta, 2013), 23.

Empirical and normative research on PTSL shows that although PTSL contributes to accelerating certification and expanding public access to land registration, the implementation of the principle of publicity in this program still faces technical and legal obstacles.²⁰ The limited timeframe for the release of physical and legal data has the potential to reduce the effectiveness of the principle of publicity as a mechanism for social control and dispute prevention. This is reinforced by findings showing that the negative publicity system with positive elements in Indonesia still leaves legal uncertainty for certificate holders.²¹

In the context of land transfer, the principle of publicity is closely related to the principle of *nemo plus juris*, which states that only legally authorized parties can transfer land rights.²² The obligation to make a deed by a Land Deed Official (PPAT) and register the transfer of rights is a publicity mechanism that guarantees transparency and the validity of legal actions. Without this principle, the transfer agreement has the potential to be legally void and give rise to prolonged disputes.

Comparative and international studies have also enriched understanding of the principle of publicity. Abdulai and Ochieng²³ and Ahmed²⁴ demonstrate that land registration does not automatically guarantee security of ownership if its basic principles, including publicity, are not consistently applied. Meanwhile, several researchers have examined the tension between the principles of publicity and personal data protection in the European land registration system.²⁵ This debate is relevant in the context of the digitalization

²⁰ Andi Amalia Handayani, "Pendaftaran tanah melalui program pendaftaran tanah sistematis lengkap (PTSL)," *Notarius* 12, no. 1 (2019): 539. See too, Restu Adi Putra, Dominikus Rato, and Dyah Ochtorina Susanti, "Kepastian Hukum Pengaturan Publisitas Pada Program Pendaftaran Tanah Sistematis Lengkap (PTSL)," *Jurnal Ilmu Kenotariatan* 2, no. 2 (2021): 12.

²¹ Isdiyana Kusuma Ayu, "Problematika Pelaksanaan Pendaftaran Tanah Melalui Pendaftaran Tanah Sistematis Lengkap Di Kota Batu," *Legality: Jurnal Ilmiah Hukum* 27, no. 1 (2019): 33. See too, Fina Ayu Safitri, Lita Tyestas Alw, and Anggita Doramia Lumbanraja, "Akibat Hukum Penggunaan Sistem Publikasi Negatif Berunsur Positif dalam Pendaftaran Tanah Di Kota Semarang," *Notarius* 13, no. 2 (2020): 791.

²² Fanny Amelia Legianty, and Yunanto Yunanto, "Perjanjian Jual Beli Tanah Yang Melanggar Asas Nemo Plus Juris Pada Pendaftaran Tanah," *Notarius* 12, no. 2 (2019): 1029. See too, Giovanni Rondonuwu, "Kepastian Hukum Peralihan Hak Atas Tanah Melalui Jual Beli Berdasarkan PP Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah," *Lex Privatum* 5, no. 4 (2017): 152097.

²³ Raymond Abdulai, T. and Edward Ochieng, "Land registration and landownership security: An examination of the underpinning principles of registration," *Property Management* 35 no. 1, (2017): 26.

²⁴ Bzhar Abdullah Ahmed, "Critical Analysis of the Right of Publicity: A Comparative Study," *Review of European and Comparative Law* 2 (2023): 126.

²⁵ Hano Ernst, and Tatjana Josipovic, "Functions of Land Registration Entries and the Protection of Personal Data," *Zb. Prav. Fak. Sveuc. Rij.* 45 (2024): 26. See too, Katarina Knol Radoja, "The Right to Privacy vs. the Principle of Publicity of the Land Register," *Zb. Prav. Fak. Sveuc. Rij.* 45 (2024): 404; Arkadiusz Wudarski, "Access to land and mortgage registers: between legal certainty and privacy protection," In *Research Handbook on European Property Law*, (Britania Raya: Edward Elgar Publishing, 2024), 165.

of land services in Indonesia, where information transparency must be balanced with the protection of privacy rights.

Thus, the existing literature shows that the principle of publicity has complex normative, functional, and contextual dimensions. It serves not only as a basis for legal certainty but also as a competitive arena between administrative acceleration, civil rights protection, and the demands of information transparency in the modern era.

2. Implementation of the Publicity Principle in Land Registration and Current Regulatory Dynamics

The implementation of the principle of publicity in land registration essentially aims to ensure that all land rights are publicly known through the state-managed land administration system.²⁶ In practice, this principle is realized through the process of announcing physical and legal data, issuing certificates, and providing open access to land information. Through this mechanism, land registration is expected to create legal certainty, prevent disputes, and protect parties acting in good faith in the transfer and control of land rights.

One concrete example of the application of the principle of publicity can be seen in the land registration procedure, as stipulated in Government Regulation Number 24 of 1997 concerning Land Registration. Articles 26 and 27 of this regulation regulate the announcement of physical and legal data for land registration, which provides an opportunity for other parties to file objections if they have claims or interests over the land in question. This announcement stage is a direct manifestation of the principle of publicity, as the state actively discloses information on the legal status of land to the public before the rights are confirmed through the issuance of certificates.

However, as it developed, the policy of accelerating land registration through the Complete Systematic Land Registration Program (*Pendaftaran Tanah Sistematis Lengkap*/PTSL) introduced a new dynamic in the implementation of the publicity principle.²⁷ PTSL was introduced to expedite the achievement of complete land registration across Indonesia by implementing more streamlined procedures and shorter timelines. In this framework, the disclosure of physical and legal data continues to be

²⁶ Sisca Anindya Rachmawati, "Revolusi Sistem Pencatatan Tanah Melalui Program Pendaftaran Tanah Sistematis Lengkap (PTSL)(Studi Lapangan Di Desa Bantul)," *Widya Pranata Hukum: Jurnal Kajian Dan Penelitian Hukum* 3, no. 1 (2021): 109. See too, Arif Tanri, Bambang Eko Turisno, and Adya Paramita Prabandari, "Kepastian Hukum Hak Atas Tanah Melalui Pendaftaran Tanah Sistematis Lengkap," *Notarius* 13, no. 2 (2020): 779.

²⁷ Auliah Ambarwati, "Pendaftaran tanah sistematis lengkap, efektifkah?," *Dinamika Hukum* 22, no. 1 (2021): 12. See too, Gianni Putrisasmita, "Kedudukan program pendaftaran tanah sistematis lengkap dalam kerangka reforma agraria untuk mewujudkan kepastian hukum pertanahan di Indonesia," *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, dan Agraria* 3, no. 1 (2023): 21.

conducted, but within a shorter period compared to sporadic land registration. This situation has given rise to academic debate regarding the extent to which the publicity principle can function optimally within this accelerated scheme.

On the one hand, PTSL provides significant benefits in expanding public access to land registration and rights certification. With more registered land parcels, the potential for disputes due to unclear legal status can be reduced. This aligns with the objectives of the publicity principle, which is to create transparency and legal certainty. However, on the other hand, the limited timeframe for announcements and reliance on village or sub-district administrative data have the potential to reduce the effectiveness of publicity, especially for interested parties who are not accessible through the announcement process.

In addition to PTSL, the dynamics of the publicity principle's implementation are also influenced by the digitalization of land services developed by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (*Kementerian Agraria dan Tata Ruang/ATR/Badan Pertanahan Nasional/BPN*). The digitalization of land registration, including digital maps, electronic land books, and electronic certificates, essentially aims to increase the efficiency, transparency, and accuracy of land data. From a publicity principle perspective, digitalization opens up broader opportunities for information transparency, as land data can be accessed more quickly and easily by the public.

However, digitalization also brings new challenges to the implementation of the publicity principle. Electronic access to land data must be balanced with protection of personal data and information security. Not all legal data can be freely and unrestrictedly disclosed, especially that relating to the identity of legal subjects. Therefore, the application of the principle of publicity in the digital era requires a balance between information transparency and the protection of privacy rights, so that the goal of legal certainty does not conflict with the principle of data protection.²⁸

The implications of current regulations are also evident in the harmonization of land policies with the Job Creation Law and its implementing regulations, which encourage procedural simplification and the use of information technology. Although the principle of publicity has not been abolished or amended normatively, there have been adjustments in how it is implemented. Publicity is no longer solely understood as a physical announcement at the village or sub-district office, but also as data transparency in state-managed electronic systems.

²⁸ Teddy Anggoro, "Transformasi asas publisitas kepailitan dan PKPU untuk penurunan biaya kepailitan dan kemudahan akses informasi dalam mendukung pemulihan ekonomi Indonesia," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 10, no. 3 (2021): 482.

Thus, the implementation of the publicity principle in land registration is currently in a transformational phase. On the one hand, the acceleration of registration through PTSL and the digitalization of land services strengthen the goal of legal certainty by expanding the scope of land registration.²⁹ On the other hand, these dynamics require strengthening the mechanisms for announcements, oversight, and access to information so that the publicity principle remains effective as an instrument for protecting civil rights. Therefore, the success of implementing the publicity principle is determined not only by speed and technology, but also by the quality of information disclosure and legal protection for all interested parties.

From the perspective of property law doctrine, the publicity principle cannot be separated from the character of land rights as absolute rights that demand recognition and respect from third parties. Therefore, the implementation of the publicity principle in land registration is not merely administrative but also has constitutive and protective functions. Publicity ensures that rights arising from a legal act obtain public legitimacy through state registration, thus giving rise to legally binding consequences erga omnes (Harsono, 2008; Subekti, 2014). In this context, land registration serves as an instrument to reduce information asymmetry and prevent the unauthorized transfer of rights, in line with the principle of *nemo plus juris ad alium transferre potest quam ipse habet*.³⁰

The debate over the effectiveness of the publicity principle has become increasingly prominent since the implementation of the policy of accelerating land registration through the Complete Systematic Land Registration Program. A number of studies indicate discrepancies in the notification periods set out in Government Regulation Number 24 of 1997 compared to those in ministerial regulations governing PTSL, which may limit the window for other parties to raise objections.³¹ This situation demonstrates that the implementation of the publicity principle is not solely determined by the existence of announcements, but also by the quality and adequacy of the time allotted to ensure effective public participation.

²⁹ Sisca Anindya Rachmawati, "Revolusi Sistem Pencatatan Tanah Melalui Program Pendaftaran Tanah Sistematis Lengkap (PTSL)(Studi Lapangan Di Desa Bantul)," *Widya Pranata Hukum: Jurnal Kajian Dan Penelitian Hukum* 3, no. 1 (2021): 110. See too, Arif Tanri, Bambang Eko Turisno, and Adya Paramita Prabandari, "Kepastian Hukum Hak Atas Tanah Melalui Pendaftaran Tanah Sistematis Lengkap," *Notarius* 13, no. 2 (2020): 780.

³⁰ Rahmat Wiwin Hisbullah, "Asas Publisitas Pada Pelaksanaan Program Nasional Agraria Dalam Rangka Mewujudkan Efektivitas Pelayanan Publik," *Madani Legal Review* 2, no. 1 (2018): 46.

³¹ Wahyu Perkasa Oktavio, "Penerapan Asas Publisitas pada Pendaftaran Tanah Sistematis Lengkap di Kota Sawahlunto Provinsi Sumatera Barat," *UNES Law Review* 5, no. 1 (2022): 142. See too, Meidy Triasavira, Sjaifurrachman Sjaifurrachman, and Imam Rofiqi, "Pergeseran Asas Publisitas Dalam Pendaftaran Tanah Pertama Kali," *Jurnal Jendela Hukum* 9, no. 2 (2022): 152.

On the other hand, several empirical studies confirm that certificates issued through PTSL remain legally binding as long as they are obtained in good faith and are not revoked through legitimate legal mechanisms.³² This reflects the nature of the Indonesian land registration publication system, which adheres to a negative system with positive elements, where certificates serve as strong but not absolute evidence.³³ Thus, the principle of publicity remains functional within a system framework that allows for correction of administrative errors and violations of the principle of good faith.

The implementation of the principle of publicity is also closely related to the practice of transferring land rights and the encumbrance of security rights. In the context of transfer of rights, the obligation to draw up a deed by a Land Deed Official (*Pejabat Pembuat Akta Tanah/PPAT*) and register the transfer of rights constitute concrete forms of publicity to ensure that changes in the legal status of the land are publicly known.³⁴ Similarly, in mortgage rights, registration of the Deed of Grant of Mortgage Rights is an absolute requirement for the birth of property rights that provide a preferential position for creditors.³⁵ Without fulfilling the principle of publicity, these property rights have no binding force on third parties and have the potential to create legal uncertainty.

The development of information technology has further expanded the implementation of the principle of publicity. The digitization of land registration, digital maps, and electronic certificates aims to increase the efficiency, transparency, and accuracy of land data (ATR/BPN, 2021). From the perspective of the principle of publicity, digitalization expands access to information transparency, but simultaneously raises challenges for personal data protection. Comparative studies show that modern land registration

³² Andi Amalia Handayani, "Pendaftaran tanah melalui program pendaftaran tanah sistematis lengkap (PTSL)," *Notarius* 12, no. 1 (2019): 541. See too, Restu Adi Putra, Dominikus Rato, and Dyah Ochtorina Susanti, "Kepastian Hukum Pengaturan Publisitas Pada Program Pendaftaran Tanah Sistematis Lengkap (PTSL)," *Jurnal Ilmu Kenotariatan* 2, no. 2 (2021): 13.

³³ Isdiyana Kusuma Ayu, "Problematika Pelaksanaan Pendaftaran Tanah Melalui Pendaftaran Tanah Sistematis Lengkap Di Kota Batu," *Legality: Jurnal Ilmiah Hukum* 27, no. 1 (2019): 35. See too, Rohan Bennett, Todd Miller, Mark Pickering, and Al-Karim Kara, "Hybrid approaches for smart contracts in land administration: Lessons from three blockchain proofs-of-concept," *Land* 10, no. 2 (2021): 220; Fina Ayu Safitri, Lita Tyestas Alw, and Anggita Doramia Lumbanraja, "Akibat Hukum Penggunaan Sistem Publikasi Negatif Berunsur Positif dalam Pendaftaran Tanah Di Kota Semarang," *Notarius* 13, no. 2 (2020): 794.

³⁴ Fanny Amelia Legianty, and Yunanto Yunanto, "Perjanjian Jual Beli Tanah Yang Melanggar Asas Nemo Plus Juris Pada Pendaftaran Tanah," *Notarius* 12, no. 2 (2019): 1032. See too, Giovanni Rondonuwu, "Kepastian Hukum Peralihan Hak Atas Tanah Melalui Jual Beli Berdasarkan PP Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah," *Lex Privatum* 5, no. 4 (2017): 152098.

³⁵ Endah Retno Saraswati, Septarina Budiwati, and Shalman Al Farizi, "Pelaksanaan Pendaftaran Hak Tanggungan Sebagai Implementasi Asas Publisitas Dalam Hak Tanggungan (Studi di Kantor Pertanahan Kota Surakarta)," (PhD diss., Universitas Muhammadiyah Surakarta, 2013), 27. See too, I. Ketut Oka Setiawan, *Hukum Pendaftaran Tanah dan Hak Tanggungan*, (Jakarta: Sinar Grafika, 2025), 233.

systems tend to develop a limited publicity model, namely data transparency tailored to legal interests and the protection of rights holders' privacy.³⁶

Thus, the dynamics of land registration regulations and practices indicate that the principle of publicity is undergoing transformation in its application, without losing its fundamental function as an instrument of legal certainty. The implementation of this principle is in tension between demands for administrative efficiency, accelerated land registration, information transparency, and the protection of civil rights. Therefore, the principle of publicity needs to be understood as an adaptive legal principle, continuously adapting to policy and technological developments in the modern land system.

3. The Role of the Principle of Publicity in the Protection of Civil Rights and the Resolution of Land Disputes

The principle of publicity plays a crucial role in ensuring the protection of civil rights to land, particularly in the context of legal certainty and the resolution of land disputes.³⁷ As a principle that requires transparency and public announcement of rights, the principle of publicity serves to ensure that all land rights are known to other parties and respected in legal relations with third parties. In the Indonesian land law system, this principle serves as the foundation for state recognition of civil rights and provides a legal protection mechanism for legitimate rights holders.

The primary contribution of the principle of publicity to the protection of civil rights lies in creating legal certainty. Land registration clarifies the legal status of a parcel of land, including the rights holder, the object of the rights, and the specific types of rights attached to it. This clarity is essential to prevent multiple claims and overlapping entitlements, which frequently constitute the primary causes of land disputes.³⁸ With open and accessible registration data, anyone intending to undertake legal actions on land can verify the legal status of the land in advance, thereby minimizing the risk of disputes from the outset.

In addition to providing legal certainty, the principle of publicity also plays a crucial role in protecting parties acting in good faith. A party acting in

³⁶ Raymond Abdulai, T. and Edward Ochieng, "Land registration and landownership security: An examination of the underpinning principles of registration," *Property Management* 35 no. 1, (2017): 28. See too, Hano Ernst, and Tatjana Josipovic, "Functions of Land Registration Entries and the Protection of Personal Data," *Zb. Prav. Fak. Sveuc. Rij.* 45 (2024): 28; Arkadiusz Wudarski, "Access to land and mortgage registers: between legal certainty and privacy protection," In *Research Handbook on European Property Law*, (Britania Raya: Edward Elgar Publishing, 2024), 167.

³⁷ Rahmat Wiwin Hisbullah, "Asas Publisitas Pada Pelaksanaan Program Nasional Agraria Dalam Rangka Mewujudkan Efektivitas Pelayanan Publik," *Madani Legal Review* 2, no. 1 (2018): 48. See too, Franklin Obeng-Odoom, "Valuing unregistered urban land in Indonesia," *Evolutionary and Institutional Economics Review* 15, no. 2 (2018): 317.

³⁸ Iwan Erar Joesoef, "The Existence Of Adat Law Related To Land Right Transaction After Unification Of Indonesian Agrarian Law: The Problem Of Legal Transplant," *Veteran Law Review* 1, no. 1 (2018): 23.

good faith is one who acquires land rights by basing their actions on official registration data issued by the state. In this context, land registration serves as a guarantee that parties transacting based on official land certificates and data are entitled to legal protection. This principle aligns with the purpose of land registration, as stipulated in Article 3 of Government Regulation Number 24 of 1997, namely to provide legal certainty and protection to land rights holders.³⁹

Protection for good-faith parties is also embodied in Article 32(2) of Government Regulation Number 24 of 1997.⁴⁰ This provision stipulates that when a land certificate has been lawfully issued to an individual or legal entity that obtained the land in good faith and exercises actual control over it, any other party claiming rights to the same land loses the ability to enforce those rights if they do not submit a written objection or initiate legal proceedings within five years from the date the certificate was issued. This provision emphasizes the function of the principle of publicity as a limited legal protection mechanism against claims by other parties, in order to maintain legal stability and certainty.

In the context of land dispute resolution, the principle of publicity plays a central role in the evidentiary process in court. Land title certificates, as an outcome of land registration, are regarded as robust evidence of both the physical and legal aspects of a parcel. Although they do not constitute absolute proof, they offer their holders a stronger legal position compared to other forms of evidence based on private arrangements or mere factual possession. In civil litigation, judges generally use certificates as the starting point for evidence, which can only be set aside if there is evidence of administrative defects or illegal acquisition of rights.⁴¹

³⁹ Rina Ekawati, "Implementasi Pasal 3 Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah di Wilayah Kelurahan Bontang Kuala Kecamatan Bontang Utara," *Risalah Hukum* (2009): 16. See too, Ida Ayu Dinda Maharani, I. Nyoman Alit Puspadma, and Ni Gusti Ketut Sri Astiti, "Keabsahan Jual Beli Hak atas Tanah yang Dilakukan tanpa Akta PPAT Ditinjau dari Perspektif Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah," *Jurnal Konstruksi Hukum* 4, no. 3 (2023): 267.

⁴⁰ Yudho Syaefi Muhamad, and Yusriyadi Yusriyadi, "Implementasi Pasal 32 Ayat (2) Peraturan Pemerintah Nomor 24 Tahun 1997 Kaitannya Dengan Pendaftaran Hak Atas Tanah Di Kantor Pertanahan Kota Semarang," (PhD diss., Fakultas Hukum UNDIP, 2016), 12. See too, Bronto Susanto, "Kepastian Hukum Sertifikat Hak Atas Tanah Berdasarkan Peraturan Pemerintah Nomor 24 Tahun 1997," *DiH: Jurnal Ilmu Hukum* (2014): 38; Mikha Ch Kaunang, "Proses Pelaksanaan Pendaftaran Tanah Menurut Peraturan Pemerintah Nomor 24 Tahun 1997," *Lex Crimen* 5, no. 4 (2016): 145463.

⁴¹ Iwan Erar Joesoef, "The Existence Of Adat Law Related To Land Right Transaction After Unification Of Indonesian Agrarian Law: The Problem Of Legal Transplant," *Veteran Law Review* 1, no. 1 (2018): 25. See too, Marilena Marin, "Comparative analysis regarding the immovable goods publicity and the land book of the states of the European Union," *Law Review Supliment1* (2019): 231; Vincent Sagaert, "Land registration in the European Union," In *Research Handbook on European Property Law*, (Britania Raya: Edward Elgar Publishing, 2024), 107.

The role of the principle of publicity in the evidentiary process also reflects the repressive function of law, namely, providing resolution to disputes that have already occurred.⁴² When land disputes arise, registration data becomes the primary reference for assessing the legitimate rights holder. Thus, the principle of publicity serves not only a preventive function in preventing disputes but also a repressive function in resolving disputes fairly and with legal certainty. However, the effectiveness of the principle of publicity in protecting civil rights is inseparable from the quality of the land registration process itself. If the announced physical and legal data are inaccurate, or the announcement process is not optimal, the principle of publicity has the potential to lose its function as a legal protection instrument. Under such circumstances, land disputes can actually escalate due to discrepancies between registration data and actual conditions on the ground.

Therefore, the principle of publicity plays a highly strategic role in the protection of civil rights and the resolution of land disputes. This principle ensures legal certainty, protects parties acting in good faith, and strengthens the evidentiary position of rights holders in civil land disputes. Therefore, strengthening the implementation of the principle of publicity through accurate, transparent, and accountable land registration is a primary prerequisite for creating a fair and just land legal system.

In a broader context, the role of the principle of publicity in protecting civil rights is not limited to the context of individual land rights registration, but also encompasses other material legal relations inherent in land, such as mortgage rights and the transfer of rights through legal acts. Setiawan⁴³ emphasized that publicity is an absolute requirement for the birth of material rights, including mortgage rights, because only through registration at the land office can a right bind a third party and provide legal certainty. This view reinforces the thesis that without fulfilling the principle of publicity, a material legal relationship does not gain full legitimacy in the positive legal system.

In the practice of transferring land rights through sale and purchase, the principle of publicity is also closely related to the fulfillment of the principle of *nemo plus juris*, which prohibits a person from transferring rights they do not own. Legianty and Yunanto⁴⁴ demonstrated that violations of the principle of *nemo plus juris* in land transactions often stem from weak verification of

⁴² Franklin Obeng-Odoom, "Valuing unregistered urban land in Indonesia," *Evolutionary and Institutional Economics Review* 15, no. 2 (2018): 317. See too, Arie Lestario, and Erlina Erlina, "Sistem pendaftaran tanah yang memberikan perlindungan hukum bagi pemegang sertifikat hak atas tanah di Indonesia," *Notary Law Journal* 1, no. 1 (2022): 11.

⁴³ I. Ketut Oka Setiawan, *Hukum Pendaftaran Tanah dan Hak Tanggungan*, (Jakarta: Sinar Grafika, 2025), 235.

⁴⁴ Fanny Amelia Legianty, and Yunanto Yunanto, "Perjanjian Jual Beli Tanah Yang Melanggar Asas *Nemo Plus Juris* Pada Pendaftaran Tanah," *Notarius* 12, no. 2 (2019): 1034.

legal data prior to the transfer of rights. In this context, open and accessible land registration is a key instrument for ensuring that the seller is indeed the legitimate rights holder. Thus, the principle of publicity serves as a legal filter, protecting good-faith buyers from the risk of void agreements.

However, the effectiveness of the principle of publicity in land registration practices in Indonesia is inseparable from the nature of the publication system adopted, namely a negative publicity system containing positive elements. Consequently, even though the principle of publicity has been implemented through announcements and registrations, disputes are still possible if there is evidence of administrative defects or illegal acquisition of rights. This situation indicates that the principle of publicity does not fully function as an absolute guarantee of rights security, but rather depends on the quality of data and the integrity of the land administration process.

These dynamics are further complicated by the policy of accelerating land registration through PTSL. In addition, the difference in the timeframe for announcing physical and legal data between Government Regulation Number 24 of 1997 and the PTSL regulations has the potential to reduce protection for other interested legal entities.⁴⁵ Although certificates issued through PTSL remain valid as long as they have not been revoked, shortening the publicity period can result in the loss of the opportunity for other parties to file objections. This emphasizes that administrative acceleration must not sacrifice the substantive function of the publicity principle as an instrument for protecting civil rights.

From a comparative perspective, international literature also shows that the publicity principle is a key element in ensuring third-party protection and public trust in land registers. Blajer⁴⁶ and Abdulai and Ochieng⁴⁷ emphasize that the protection of good-faith parties and trust in register data can only be achieved if the publicity function is implemented consistently and reliably. However, both also cautioned that land registration does not automatically guarantee security of rights if basic principles such as publicity and legality are not substantively implemented.

Therefore, the principle of publicity must be understood not merely as an administrative obligation, but as a principle of property law that determines

⁴⁵ Restu Adi Putra, Dominikus Rato, and Dyah Ochtorina Susanti, "Kepastian Hukum Pengaturan Publisitas Pada Program Pendaftaran Tanah Sistematis Lengkap (PTSL)," *Jurnal Ilmu Kenotariatan* 2, no. 2 (2021): 15. See tooo, Meidy Triasavira, Sjaifurrachman Sjaifurrachman, and Imam Rofiqi, "Pergeseran Asas Publisitas Dalam Pendaftaran Tanah Pertama Kali," *Jurnal Jendela Hukum* 9, no. 2 (2022): 156.

⁴⁶ Paweł A. Blajer, "On the principle of public faith of land registers in a comparative context," *European Property Law Journal* 12, no. 2-3 (2024): 87.

⁴⁷ Raymond Abdulai, T. and Edward Ochieng, "Land registration and landownership security: An examination of the underpinning principles of registration," *Property Management* 35 no. 1, (2017): 29.

the quality of civil rights protection and the effectiveness of land dispute resolution. Strengthening the principle of publicity requires regulatory consistency, accurate data, and an announcement mechanism that truly provides a fair opportunity for all interested parties. Without this, the principle of publicity risks being reduced to a procedural formality that loses its protective power in the Indonesian land law system.

D. Conclusion

This research confirms that the principle of publicity is a fundamental principle in the Indonesian land registration system, playing a strategic role in ensuring legal certainty and protecting civil rights. The principle of publicity not only implies the transparency of land information but also serves as a mechanism for legalization and announcement of rights by the state, thereby ensuring that land rights are enforceable against third parties (*erga omnes*). This principle's normative position is firmly rooted in Article 19 of the Basic Agrarian Law and operationalized through Government Regulation Number 24 of 1997 concerning Land Registration, specifically regarding the function of certificates as strong evidence.

The research findings indicate that the implementation of the publicity principle has undergone dynamics in line with the policy of accelerating land registration through the Integrated Land Registration System and the digitalization of land services. On the one hand, these policies expand the scope of land registration and strengthen legal certainty. On the other hand, limitations in the announcement mechanism and challenges to data transparency have the potential to undermine the effectiveness of the publicity principle if not balanced with adequate oversight and data accuracy. In the context of land dispute resolution, the principle of publicity has been shown to play a crucial role in protecting parties acting in good faith and strengthening the proof of rights through land certificates.

Theoretically, this research reinforces the doctrine that the principle of publicity is an essential requirement for the validity of property rights and a key pillar in the land rights verification system. Practically, these findings imply the need to strengthen announcement mechanisms, improve the quality of land data, and organize information transparency in digital systems to ensure the publicity principle remains effective as an instrument for protecting civil rights. Therefore, the principle of publicity must be continuously maintained and contextualized in all land policies to achieve legal certainty and justice.

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