

The State Responsibility for Identity Errors in the Issuance of Land Ownership Certificates in Judicial Proceedings

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Abstract. *This study examines the state's responsibility for identity errors in the issuance of land ownership certificates and their implications in judicial proof. The ideal framework of Indonesian land law, as stipulated in the 1960 Basic Agrarian Law (UUPA) and Government Regulation No. 24 of 1997, promises legal certainty through land certificates as strong evidence of ownership. In practice, however, administrative identity errors such as incorrect names, boundaries, or measurement data often weaken the evidentiary value of certificates in court. Using a normative juridical method based on doctrinal analysis, regulations, and court decisions, this study finds that defective certificates may be annulled even when held by good-faith owners. This highlights a research gap: the lack of systematic analysis on the state's responsibility for administrative errors in certificates. The study concludes that the state must be accountable through preventive responsibility (error prevention), curative responsibility (administrative correction and compensation), and repressive responsibility (provision of damages). The study recommends integrating land registration with civil registry data, improving identity verification mechanisms, and strengthening legal protection to ensure land certificates effectively function as instruments of legal certainty.*

Keywords: *Certificate; Land; Ownership; Responsibility.*

1. Introduction

Indonesia, as an agrarian country, signifies that land is not merely a physical asset but also an essential component of social, economic, and cultural life. The majority of the population depends on land for agriculture, housing, and other sources of livelihood, with the agricultural sector remaining a pillar of both local and national economies. The existence of fertile soil, customary systems governing land use, and geographical conditions that support agriculture as the main activity make land ownership through certification highly crucial for many people. This condition creates an urgency wherein the land ownership certificate (Sertifikat Hak Milik or SHM) serves not only as an administrative document but also as a symbol of legal certainty,

security, and recognition of ownership. Within the regulatory framework, the land ownership certificate is positioned as the strongest form of proof of ownership. According to land regulations and juridical studies, a land certificate possesses legitimate legal force if its issuance complies with administrative procedures and the accuracy of both physical and juridical data contained within it. (Rizky Heriansyah et al., 2025). The land certificate serves as a legal protection guarantee for good-faith holders, as it is considered strong evidence in court proceedings. (Kusuma et al., 2017). Thus, the existence of a land certificate that is administratively and juridically valid is fundamental in creating legal certainty for rights holders and preventing disputes.

Land registration under the Basic Agrarian Law (UUPA) and its implementing regulations, such as Government Regulation No. 24 of 1997 on Land Registration, is expected to provide legal certainty and protection for land rights holders. One of the main objectives of the land registration system is to ensure that ownership, physical boundaries, owner identity, and other relevant data are officially recorded, thereby minimizing conflicts, overlapping rights, or informal claims. With orderly and accurate data, the land certificate—as an administrative output—can function as a public control instrument and a basis for security in land transactions or disputes, while also serving as a guarantee that land rights are legally protected. Although the regulations and land registration system have established a clear legal framework, in practice, identity errors in the issuance of certificates still occur. These errors may include inaccuracies in the owner's name, address, physical boundaries of the land parcel, or measurement and location identification data. Such mistakes not only give rise to disputes in court but also potentially harm certificate holders who are supposed to receive legal protection and assurance of their rights. This reality demonstrates that land certificates, although legally regarded as strong evidence, are not entirely free from administrative problems that may undermine public trust in the land registration system and create legal uncertainty.

Land certificates containing identity errors often lead to cancellation or legal disputes in court, even when the holder acts in good faith. The land registration system in Indonesia adheres to a negative publication system, meaning that the state does not provide an absolute guarantee of the accuracy of the data contained in the certificate. Instead, the certificate is merely recognized as strong evidence of ownership, as long as no other party can prove otherwise. (Fathoni, 2025). As a result, certificate holders may lose their rights when another party files a lawsuit and the judge finds inconsistencies in the identity information contained in the document. This situation raises issues of fairness for good-faith owners, as they may suffer losses due to administrative errors made by the issuing authority. The legal problem becomes even more complex when an erroneous certificate is used as evidence in court proceedings. Ideally, a land certificate should provide maximum legal protection and prevent disputes; however, in reality, many lawsuits are still filed due to administrative defects. Studies indicate that judges have the discretion to assess the evidentiary strength of land certificates. In several court rulings, certificates have no longer been regarded as conclusive evidence when

counter-evidence or administrative defects such as identity errors are found. (Indira Retno Aryatie et al., 2022). This condition indicates a gap between the legal principle that regards land certificates as strong evidence and the practical reality that allows for their cancellation. In this context, it is essential to examine the state's responsibility in the issuance of land certificates. The state, through the National Land Agency (BPN), has an administrative obligation to ensure the accuracy of the juridical and physical data contained in land certificates. In the event of an error, the state should bear responsibility in the form of administrative correction, compensation, or other protective measures for good-faith owners. Equally important is the legal protection for Land Deed Officials (PPAT) when they encounter data or identities that later prove to be incorrect or falsified (Riani Putri & Ismelina Farma Rahayu, 2023). This relevance lies in the assertion that legal protection should be granted not only to officials but also to rightful owners who suffer losses due to data errors. Therefore, there is an urgent need to systematically examine the state's liability concerning identity errors in land certificates. Such an inquiry is significant not only for the development of land law but also for civil courts, which frequently handle land dispute cases arising from identity defects.

The ideal framework of Indonesia's land law, as embodied in the Basic Agrarian Law (UUPA) and Government Regulation No. 24 of 1997, is to provide maximum legal certainty and protection for land rights holders. However, the practical reality reveals a serious gap: certificates that are normatively regarded as the strongest evidence of ownership can still be contested and even annulled due to administrative identity errors. This situation raises a fundamental question about the consistency of the legal system—namely, to what extent the state can guarantee legal certainty when the very administrative instruments it issues contain defects that harm its citizens (Hirwansyah, 2021). This issue is crucial because each identity error affects not only an individual legal subject but also the overall credibility of the land administration system. By recognizing the land certificate as a state administrative product, the state should not merely act passively as a recorder but must also take an active role in ensuring the accuracy of the data it administers (Rizky Heriansyah et al., 2025). Accordingly, this study seeks to address the need for a more in-depth examination of the state's responsibility in issuing land ownership certificates that contain identity errors. The analysis focuses not only on the normative aspects regulated by statutory provisions but also on judicial practices that illustrate how certificates are treated as evidence in disputes. It is expected that this discussion will provide both academic contributions and practical recommendations to strengthen state accountability, enhance public trust in the land administration system, and realize equitable legal certainty.

2. Research Methods

This study employs a normative juridical approach, which positions law as written norms applicable within society. This approach was chosen because the research focuses on examining the state's responsibility for identity errors in the issuance of land ownership certificates and its

implications for evidentiary processes in court. The primary legal materials used include statutory regulations—particularly the Basic Agrarian Law (UUPA), Government

Regulation No. 24 of 1997 on Land Registration, and relevant court decisions. In addition, this study utilizes secondary legal materials consisting of academic literature, previous research findings, and journal articles discussing land certificates, state liability, and the judiciary's role in resolving land disputes. Data were collected through a systematic literature review by selecting accessible and verifiable sources to ensure data validity and traceability. The data were then processed using a qualitative method with a descriptive-analytical approach. First, raw data were classified according to the research themes, regulations, land administration practices, and jurisprudence. Second, interpretation was conducted to identify the relationship between identity errors in certificates and the state's responsibility in judicial proof contexts. Third, the analysis results were synthesized into coherent legal arguments, leading to conclusions relevant to the research problem. Through this method, the study aims to provide both theoretical and practical contributions to strengthening the legal protection mechanism in the field of land law.

3. Results and Discussion

3.1. The Legal Standing of Land Ownership Certificates in the Evidentiary Process

Land ownership certificates hold a significant position within Indonesia's land law framework as stipulated in the Basic Agrarian Law (UUPA) of 1960. The UUPA affirms that registered land is granted proof of ownership in the form of a certificate, a provision further reinforced by Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration. The land certificate serves as legal proof of ownership and functions as strong evidence in legal proceedings. This means that its existence is not merely administrative but constitutes binding juridical legitimacy for the holder. This legal standing is further emphasized in agrarian law doctrine, which asserts that land certificates provide legal protection for good-faith owners. The certificate serves as *prima facie* evidence that is, evidence presumed to be valid in law until proven otherwise. (Kusuma et al., 2017). Thus, the land ownership certificate serves as the primary instrument for preventing ownership disputes and ensuring the security of land transactions within society. However, despite its position as the strongest form of evidence, the law still provides space for correction. This is because the certificate does not constitute conclusive evidence that is beyond challenge, but rather strong evidence that may still be rebutted. Such a system is designed to allow the authenticity of the certificate to be examined in court, thereby accommodating the principle of substantive justice. Therefore, while the land certificate possesses high juridical value, its evidentiary strength is relative rather than absolute.

The legal standing of land certificates as evidence also reflects the state's role in providing legal certainty. The state, through the National Land Agency (BPN), bears the responsibility to ensure

the accuracy of both juridical and physical data contained in the certificate. Errors in certificate issuance demonstrate that administrative mistakes can undermine the evidentiary standing of the certificate in court proceedings (Rizky Heriansyah et al., 2025). This indicates that the strength of a land certificate is determined not only by regulation but also by the administrative accuracy of the state in its issuance. Furthermore, as strong evidence, the land certificate holds an important social dimension. It serves as the foundation of public trust in conducting land transactions such as sales, inheritance, or the transfer of rights. Without the certificate's privileged status, society would find it difficult to distinguish between formal ownership proof and informal claims. Therefore, the legal standing of land certificates as evidence is structured to create stability in land-related legal relations. Accordingly, the legal basis of land certificates as evidence encompasses two essential aspects. First, it provides legal protection for landowners through formal legitimacy. Second, it imposes state responsibility to guarantee the validity of the recorded data. Without these two aspects, the certificate would be unable to fulfill its role as an instrument of legal certainty. Hence, understanding the legal foundation of land certificates is not only normatively important but also practically relevant in upholding justice within society.

The land registration publication system in Indonesia adheres to the principle of a negative publication system with positive elements. This means that a land certificate issued by the state is considered strong evidence of ownership, but not absolute. The state does not fully guarantee the accuracy of the juridical and physical data contained in the certificate; therefore, the certificate may still be challenged in court if it is proven to contain administrative defects or if another party can demonstrate a stronger legal right. This differs from the positive publication system, which provides an absolute guarantee of the accuracy of the data recorded in the certificate. In practice, the negative publication system with positive elements is intended to balance legal certainty with the protection of good-faith parties. The system acknowledges the limitations of Indonesia's land administration while maintaining the certificate's position as a document with high evidentiary value, as long as no other party can prove otherwise. (Riani Putri & Ismelina Farma Rahayu, 2023). In other words, a land certificate serves as state-recognized proof of ownership, yet it does not preclude the possibility of correction through judicial mechanisms. The consequence of this system is that a land certificate possesses relative, rather than absolute, legal force. A certificate holder may lose their rights if it is proven that the certificate was issued over land that remains under dispute or if stronger evidence is presented by another party. The weakness of the negative publication system often results in legal uncertainty, particularly when land administration data are inaccurate (Hirwansyah, 2021). This indicates that the state needs to improve the accuracy of land data in order to strengthen the positive elements within the existing publication system.

In the context of judicial proceedings, judges possess full authority to assess land certificates based on the principle of material truth. This means that a certificate is not automatically accepted as conclusive evidence but must be examined alongside other supporting evidence. A

judge may disregard the certificate if it is proven to contain errors in identity or other significant administrative defects (Indira Retno Aryatie et al., 2022). Accordingly, the negative publication system allows judges to uphold substantive justice, although this often comes at the expense of legal certainty for certificate holders. From a legal protection perspective, the negative publication system with positive elements creates a dilemma. On one hand, the land certificate is expected to provide certainty and legal protection for its holder; on the other hand, its relative nature exposes the holder to the risk of losing ownership rights. According to Rahayu, this situation calls for a clear state liability mechanism in cases of administrative error, ensuring that bona fide holders remain protected. The establishment of a reliable identity verification system in land registration thus becomes imperative. The negative publication system with positive elements, as implemented in Indonesia, grants the land certificate a strong but not absolute legal standing. This aligns with the character of Indonesian land law, which seeks to balance legal certainty and social justice. Nevertheless, to prevent certificates from becoming a source of dispute, the state must enhance the accuracy of land administration, improve verification mechanisms, and ensure adequate legal protection for bona fide certificate holders.

In judicial practice, the land ownership certificate is often used as the starting point in assessing ownership claims. Judges generally recognize the certificate as primary evidence, as it originates from an official administrative process issued by the state. However, the nature of the certificate as strong but not conclusive evidence grants judges discretion to assess its validity. Accordingly, the evidentiary weight of the certificate in court largely depends on the consistency and accuracy of the data it contains. In civil cases, judges are required to uphold the principle of material truth. This principle obliges them not only to accept the certificate in a formal sense but also to examine whether the juridical and physical data recorded in it correspond to factual reality. A judge may set aside the certificate if administrative defects are found, such as identity errors or boundary inconsistencies (Indira Retno Aryatie et al., 2022). This demonstrates that a certificate is not always treated as absolute evidence. Several court decisions illustrate this stance. In cases involving duplicate certificates, for instance, judges tend to prioritize evidence demonstrating historical possession or other more convincing documentation. Duplicate certificates often lead to prolonged disputes, compelling judges to assess additional evidence beyond the certificate itself to determine the rightful owner (Rizky Heriansyah et al., 2025). This practice shows that although the certificate holds significant evidentiary value, judges remain guided by the principle of *in dubio pro justitia*—seeking substantive justice over formal correctness.

In addition, judges also take into account the principle of legal protection for bona fide parties. When a certificate holder acquires ownership rights lawfully and without knowledge of any defects, judges tend to uphold their position. However, if negligence or intentional misconduct is found, the certificate may be annulled. The imperfect verification system often places judges in a dilemma between maintaining the validity of a certificate and revoking it in pursuit of material truth (Ramadani et al., 2022). In a broader context, judicial practice in assessing

certificates is also influenced by the weaknesses of Indonesia's land administration system. The lack of integration between population data and land registration records frequently leads to identity errors. In such situations, judges are compelled to examine all available evidence comprehensively, including documents beyond the certificate itself such as deeds of sale, proof of land possession, or witness testimony. This underscores that a land certificate does not stand alone in the evidentiary process. The weakness of data verification at the administrative level often places judges in a difficult position when evaluating the validity of a certificate. Therefore, a more active role of the state is necessary to ensure the accuracy of land data, so that judges are not continually burdened with re-examining the validity of certificates in court (Riani Putri & Ismelina Farma Rahayu, 2023). In conclusion, judicial practice demonstrates that while a land ownership certificate is recognized as strong evidence, its legal strength remains relative. Judges retain the authority to assess its truthfulness based on corroborating evidence. This condition highlights the urgent need to improve the land administration system so that certificates accurately reflect the authentic legal and factual conditions of land ownership.

The implication of the land ownership certificate being recognized only as strong but not conclusive evidence is the emergence of legal uncertainty for rights holders. Ideally, a certificate should serve as a guarantee of ownership certainty; however, due to the negative publication system, it remains open to dispute and potential revocation. This situation creates a risk of loss for bona fide owners who have lawfully completed administrative procedures but still face legal challenges. This condition is further exacerbated by the weaknesses of land administration systems, including identity errors, the issuance of duplicate certificates, and inconsistencies in boundary data all of which frequently trigger litigation. The issuance of duplicate certificates, in particular, generates substantial legal uncertainty, undermining the function of the certificate as an instrument of legal protection (Hirwansyah, 2021). Consequently, public trust in the credibility of land certificates as legal documents has been eroded. From the perspective of legal protection, such uncertainty also weakens the sense of justice. Bona fide certificate holders often bear the consequences of administrative negligence committed by the state. It is therefore essential for the state to assume responsibility for ensuring data accuracy in land certificates so as to prevent harm to legitimate owners (Riani Putri & Ismelina Farma Rahayu, 2023). Thus, the state cannot merely rely on judicial mechanisms to resolve disputes but must take an active role in improving the land registration system to guarantee both legal certainty and equitable protection for landholders.

Another implication is the increasing burden on the judiciary. The growing number of lawsuits involving land certificate disputes has led to land-related cases dominating court agendas. Judges often face difficulties in assessing the validity of certificates, resulting in longer and more complex judicial processes (Ramadani et al., 2022). This not only undermines judicial efficiency but also diminishes public trust in legal institutions. In the long term, legal uncertainty stemming from the weak legal standing of land certificates may generate serious social consequences. Land disputes have the potential to trigger horizontal conflicts within communities, especially

when multiple parties hold overlapping ownership claims. Such conflicts affect not only individual rights but also social and economic stability in affected regions. Therefore, the implications of the negative publication system on legal certainty are highly significant. While the land certificate carries strong legal authority, it does not provide absolute assurance. This underscores the necessity of comprehensive reform in Indonesia's land administration system both by improving administrative accuracy and strengthening state accountability. Without such reforms, land certificates risk becoming fragile formal documents incapable of guaranteeing genuine legal certainty.

3.2. State Responsibility for Identity Errors in the Issuance of Land Ownership Certificates

The state's responsibility in the context of land affairs is firmly grounded in the Indonesian Constitution. Article 33(3) of the 1945 Constitution (UUD 1945) stipulates that "the earth, water, and natural resources contained therein shall be controlled by the state and utilized for the greatest prosperity of the people." The concept of state control in this context does not equate to ownership but rather encompasses the functions of regulation, management, and protection. Accordingly, the state bears a constitutional obligation to ensure that land administration operates properly and does not harm the public. A more specific legal foundation is provided by the Basic Agrarian Law (Undang-Undang Pokok Agraria, UUPA) of 1960. Article 19 of the UUPA mandates the state to conduct land registration to guarantee legal certainty. In practice, this obligation is carried out through the National Land Agency (Badan Pertanahan Nasional, BPN), which is responsible for issuing certificates as proof of ownership rights. Therefore, when a certificate is found to contain identity errors, the state bears juridical responsibility, since its issuance falls within the scope of the state's administrative authority. Furthermore, Government Regulation No. 18 of 2021 on Management Rights, Land Rights, Apartment Units, and Land Registration reinforces this responsibility. The regulation stipulates that a land certificate must accurately reflect both juridical and physical data consistent with actual conditions in the field. Consequently, when inaccuracies occur, liability cannot be entirely placed upon the owner; rather, it constitutes a form of administrative negligence on the part of the state. The weakness of administrative systems often serves as the root cause of land disputes, underscoring the need for proportional state responsibility in ensuring the reliability of land registration and protection of ownership rights (Hirwansyah, 2021).

From the perspective of administrative law, identity errors in land certificates can be categorized as error in administrando that is, mistakes occurring during the execution of public administrative functions. Legal principles affirm that such errors remain the responsibility of the state, even when committed by officials acting within their delegated authority. This principle is essential for maintaining state accountability as the administrator of public affairs, particularly in land governance, which concerns the fundamental rights of citizens. Furthermore, the principle of state responsibility aligns with the doctrine of human rights protection. Landowners who suffer losses due to administrative errors are entitled to legal protection, and the state

cannot evade liability when certificates it has issued contain incorrect data (Riani Putri & Ismelina Farma Rahayu, 2023). emphasize, legal protection should extend not only to public officials (PPAT) but also to bona fide landowners who become victims of administrative negligence. The constitutional and juridical foundations of state responsibility for identity errors in land certificates are therefore unequivocal. The state, through the National Land Agency (BPN), bears constitutional, legal, and administrative obligations to ensure the accuracy of land data. When errors occur, the state is required not only to rectify them administratively but also to provide effective legal remedies for the affected parties. This obligation is essential to preserve the legitimacy of Indonesia's land administration system and to uphold the principle of legal certainty guaranteed by the Basic Agrarian Law (UUPA).

Identity errors in the issuance of land ownership certificates constitute one of the most serious forms of administrative defects. Such errors may include incorrect owner names, inaccurate addresses, misidentified physical boundaries, or discrepancies in land measurement and mapping data. Although these issues appear administrative in nature, their implications are profound, as a land certificate functions as legal evidence of ownership rights. When the identity information recorded is incorrect, the certificate loses its validity as a strong legal document. These types of identity errors often arise from weaknesses in the data verification system within the National Land Agency (BPN). Inaccurate administrative procedures or inadequate coordination with population databases are among the primary causes. The issuance of duplicate certificates frequently stems from administrative negligence in verifying land history, which often escalates into civil disputes in court (Rizky Heriansyah et al., 2025). This demonstrates that identity errors are far from trivial; they can trigger serious conflicts that undermine legal certainty. From a legal perspective, identity errors in certificates carry significant legal consequences. A certificate found to be defective may be annulled by the court, even if the holder acted in good faith. This means that the certificate no longer serves as a maximum guarantee of legal protection, as envisioned by the Basic Agrarian Law (UUPA). Judges are authorized to reassess the evidentiary value of a certificate when administrative inconsistencies are identified (Indira Retno Aryatie et al., 2022). Consequently, bona fide certificate holders face the risk of losing their ownership rights due to errors that did not originate from their own actions.

The issue becomes increasingly complex when identity errors are brought before the court. A certificate that should serve as the strongest evidence of ownership instead becomes a document whose validity is questioned. Judges are then compelled to re-examine other forms of evidence, such as deeds of sale, records of land possession, and witness testimonies. This situation creates a judicial dilemma, as judges must balance the principles of legal certainty and material truth (Ramadani et al., 2022). It simultaneously exposes the state's weakness in ensuring that certificates are free from administrative defects. The discussion on identity errors in land certificates also raises the issue of state responsibility. Some scholars argue that the state's obligation should be limited to administrative correction, whereas others contend that

compensation must also be provided to landowners who suffer losses. Administrative correction alone is insufficient, as owners who lose their rights through litigation still experience tangible harm (Hirwansyah, 2021). Therefore, the state's responsibility must extend to more concrete legal protection. Consequently, identity errors as a form of administrative defect carry dual implications. Legally, they weaken the evidentiary value of land certificates in court; socially, they erode public trust in the land administration system. The state can no longer regard administrative mistakes as minor technicalities but must recognize them as fundamental issues requiring direct accountability. Without systematic reform, identity errors will continue to generate disputes and undermine the legitimacy of the national land system.

The concept of legal protection for bona fide land certificate holders is rooted in the principles of legal certainty and legal protection, which constitute the primary objectives of Indonesia's national land law system. A bona fide owner is one who acquires land rights through lawful procedures and without knowledge of any administrative defects. Under such circumstances, the state bears the obligation to ensure that the owner's rights are not prejudiced by administrative negligence committed by land officials. This principle is fundamental, as a certificate should symbolize certainty of ownership, not become a source of uncertainty. Problems arise when a certificate contains identity errors, thereby diminishing its evidentiary strength in court. In such cases, a bona fide owner may lose their rights solely due to administrative negligence. Weaknesses in the land verification system have resulted in law-abiding citizens bearing the legal consequences of state error (Sang & Ruwa, 2023). This situation produces substantive injustice and undermines the function of land certificates as instruments of legal protection. Legal protection, therefore, must not remain merely normative or declarative. The state is required to provide concrete guarantees to bona fide holders when administrative errors occur—through correction mechanisms, compensation, or other remedial policies (Riani Putri & Ismelina Farma Rahayu, 2023). This perspective underscores the need for proactive state responsibility, ensuring that certificate holders are not entirely dependent on judicial interpretations, which may vary in assessing evidentiary validity.

Judicial practice in Indonesia demonstrates a discernible tendency among judges to protect bona fide parties. However, judicial discretion in this regard is not always consistent, rendering legal protection through judicial means often case-specific and fragmented. In disputes involving duplicate land certificates, judges sometimes prioritize the history of land possession over the formal certificate data, thereby disadvantaging bona fide owners. This inconsistency underscores the need for a clearer and standardized model of legal protection, rather than one dependent solely on judicial interpretation. Judicial remedies frequently fail to provide adequate legal certainty, as court proceedings are often protracted and may conclude without granting fair compensation to bona fide parties (Iwan Permadi, 2016). The National Land Agency (BPN) bears administrative responsibility and may be held legally accountable in cases where negligence in certificate issuance such as duplicate registrations results in public harm. Beyond judicial protection, administrative mechanisms also play a pivotal role. The BPN may correct or

reissue certificates in cases of identity errors. However, such administrative measures are often slow and insufficient to address the losses already suffered by affected owners. Therefore, administrative corrections must be accompanied by financial compensation mechanisms, particularly when owners incur losses due to the annulment or invalidation of certificates. In this sense, legal protection should encompass both administrative and reparative dimensions, ensuring not only procedural rectification but also substantive justice for bona fide landholders.

Legal protection under Government Regulation No. 18 of 2021 has not yet been fully effective in addressing losses arising from duplicate land certificates, particularly as illustrated in Judicial Review Decision No. 2/PK/Pdt/2008, which revealed the weak legal standing of bona fide owners (Maya Anas Taqiyyah, 2020). The issue of overlapping ownership constitutes a serious problem within Indonesia's land registration system and highlights the urgent need for systemic state intervention (Pahrazi & Farma Rahayu, 2024). This overlapping phenomenon underscores that existing regulations remain insufficiently robust in verifying identity data and ensuring consistent enforcement against administrative errors within land institutions. In light of these shortcomings, legal protection for bona fide certificate holders requires the active involvement of the state. It is no longer adequate to rely solely on judicial decisions; the state must establish a fair compensation mechanism and a stricter verification system to prevent the recurrence of identity errors. Such comprehensive protection would strengthen public confidence in the national land administration system and affirm the state's commitment to realizing substantive and equitable legal certainty in accordance with constitutional principles.

The state's responsibility for identity errors in the issuance of land ownership certificates can be conceptualized in three principal forms: preventive, curative, and repressive. The preventive responsibility is manifested through measures aimed at preventing errors, such as stricter data verification, integration between population and land administration databases, and enhanced supervision over administrative procedures within the National Land Agency (BPN). Establishing an accurate verification system would minimize the likelihood of identity errors from the outset. The digitalization of land registration also plays a crucial role in reducing manual administrative mistakes inherent in traditional systems.

The curative responsibility arises when an error has already occurred. In this context, the state through BPN is obliged to undertake administrative corrections, such as amending identity data or issuing replacement certificates. However, administrative correction alone is insufficient when bona fide owners have already suffered losses. The corrective mechanism must therefore be complemented by compensation or restitution of rights, ensuring that legal protection is not merely procedural but substantively realized for affected landowners. Finally, the repressive responsibility applies when administrative errors result in significant harm or legal disputes. In such cases, the state may be required to provide financial compensation or assume other forms of legal liability. This repressive responsibility reflects the principle of state accountability, which is essential for maintaining public trust in the land administration system. Through this tripartite

model preventive, curative, and repressive the state, represented by BPN, can ensure comprehensive accountability and reinforce public confidence in the integrity of Indonesia's land administration framework. (Agus Setia Wahyudi, et al., 2022).

Beyond the division of state responsibility into preventive, curative, and repressive dimensions, the state is also required to strengthen inter agency coordination. Land registration data should be directly connected to population and civil registry databases to ensure that the identity of landowners corresponds with official records. Cross sectoral data integration is therefore essential to guarantee that land certificates accurately reflect both the juridical and physical realities on the ground (Riani Putri & Ismelina Farma Rahayu, 2023). Without such coordination, identity errors will persist and continue to burden the judicial system. Furthermore, the model of state responsibility must not be confined to administrative dimensions alone; it must also be accompanied by legal reform. The rules governing compensation for administrative errors in land registration should be explicitly stipulated within binding regulations. In this way, legal protection for bona fide certificate holders would move beyond theoretical recognition and become operationally enforceable. A specific regulatory framework providing a clear compensation mechanism for victims of administrative negligence would significantly strengthen the legal standing of certificate holders (Sang & Ruwa, 2023). By combining preventive, curative, and repressive approaches, the model of state responsibility can more effectively safeguard the rights of bona fide landowners. The state thus assumes not merely the role of an administrative registrar but also that of a guarantor of justice and legal certainty. This tripartite model of accountability offers a concrete response to the weaknesses inherent in the negative publication system, ensuring that land certificates once again fulfill their intended function as reliable instruments of legal certainty and protection.

Land ownership certificates hold a fundamental position as evidentiary instruments in judicial proceedings; however, their non-absolute legal force often leads to legal uncertainty. Identity errors, as a form of administrative defect, are among the primary factors undermining the evidentiary value of certificates, thereby disadvantaging bona fide right holders. Judicial practice demonstrates that although judges are granted discretion to assess the validity of certificates, such discretion frequently exposes the weaknesses of the land administration system. In this context, the state's responsibility becomes crucial. Through the National Land Agency (BPN), the state is not only responsible for issuing certificates but also for ensuring the accuracy of juridical and physical data contained therein. The model of state responsibility should encompass preventive measures (error prevention), curative actions (administrative correction and compensation), and repressive mechanisms (financial redress for substantial losses). Legal protection for bona fide certificate holders must be realized in a tangible manner so that land certificates genuinely reflect the legal certainty guaranteed by the Basic Agrarian Law (UUPA). Accordingly, this discussion underscores the urgency of administrative reform and the strengthening of state accountability in maintaining the credibility and integrity of Indonesia's land certification system.

4. Conclusion

This study demonstrates that the legal standing of land ownership certificates within Indonesia's legal system is recognized as strong evidence, yet not conclusive. The negative publication system with positive elements allows such certificates to be challenged or even annulled in the presence of administrative defects, particularly those involving identity errors. Judicial practice reveals that judges possess the discretion to re-examine the validity of certificates, a tendency that, in many cases, undermines legal certainty for bona fide landowners. This finding highlights a significant discrepancy between the ideal framework of land law, which promises ownership certainty, and the practical realities that remain prone to disputes. In the context of state responsibility, this research finds that the state—through the National Land Agency (Badan Pertanahan Nasional)—cannot detach itself from its constitutional and legal obligations. Identity errors in certificates must be regarded as a form of administrative negligence, thereby invoking state responsibility in preventive, curative, and repressive dimensions. Such a model of responsibility is essential to provide genuine legal protection for bona fide certificate holders and to restore public trust in the land administration system. Accordingly, this study offers a normative recommendation for the state to strengthen land data integration, enhance identity verification accuracy, and establish a fair compensation mechanism as a tangible manifestation of legal protection.

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