

# Guarantee of Legal Protection for Conventional and Electronic Land Rights Certificates Holders within The Land Registration Legal System in Indonesia

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**Abstract.** *Land rights certificates constitute strong and highly significant evidence of land ownership. This study aims to examine legal certainty and legal protection for holders of land rights certificates in both conventional and electronic forms. The transition from a conventional system to a digital one gives rise to significant legal consequences for land rights holders. Legal protection is intended to safeguard land rights that may be harmed by other individuals or parties. This research employs a normative juridical approach, conducted through the examination and analysis of legal provisions, legal principles, and statutory regulations relevant to the subject of the study. With the enactment of Government Regulation Number 18 of 2021, a new form of land rights certificate has been introduced, namely the electronic certificate. However, this regulation does not revoke Government Regulation Number 24 of 1997. Consequently, conventional land certificates remain valid as long as no application for a change in certificate form is submitted or no transfer of land rights occurs. The simultaneous application of these two Government Regulations has the potential to create regulatory overlap, which may undermine legal certainty and legal protection for holders of land rights certificates. Therefore, the establishment of regulations of equal or higher hierarchical status is necessary to strengthen legal certainty and legal protection.*

**Keywords:** *Conventional Land Certificate; Electronic Land Certificate; Legal Certainty; Legal Protection.*

## 1. Introduction

Land constitutes a fundamental source of livelihood for every citizen in achieving prosperity across various sectors (Bahmid et al., 2025). Therefore, land ownership represents a crucial aspect of economic and social development, particularly in Indonesia, which is widely recognized as an agrarian country. Land holds strategic value because its function extends beyond residential use to include business activities as economic capital and a vital source of life that supports public welfare. Consequently, land plays an essential role in social life, and

the state bears responsibility for ensuring that all citizens are able to own, possess, and utilize land in a lawful manner.

Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia stipulates that land, water, and natural resources contained therein are controlled by the state and utilized for the greatest possible prosperity of the people. Furthermore, Law Number 5 of 1960 concerning Basic Agrarian Principles, hereinafter referred to as the UUPA, provides the foundation for Indonesia's land policy with the objective of establishing a just agrarian order, ensuring legal certainty over land rights, and preventing conflict and injustice in land tenure within society (Penjelasan Umum Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria, 1960).

Article 19 of the UUPA affirms that land registration constitutes the primary instrument for providing legal certainty to holders of land rights and serves as the basis for orderly and transparent land administration. Article 19 paragraph (1) of the UUPA further mandates that land registration throughout the Republic of Indonesia shall be conducted in accordance with provisions regulated by Government Regulations. In this context, the principle of legal certainty constitutes a fundamental basis that must be applied to every land policy, including the land registration system in Indonesia.

Government Regulation Number 24 of 1997 on Land Registration, hereinafter referred to as PP Number 24 of 1997, which was enacted as an implementation of Article 19 paragraph (1) of the UUPA, provides the legal basis for conventional land registration procedures through physical certificates. However, along with societal development and advancements in information technology in the digital era, public demands for fast, transparent, and efficient public services have encouraged the government to expand the application of information technology across various sectors of state administration, including the land sector (Hidayah et al., 2024). Through the implementation of an electronic land registration system, the digitalization of the land sector represents a strategic step toward realizing modern, accountable, and effective governance. This innovation offers various benefits, including improved efficiency and service speed, enhanced transparency and accountability, as well as greater legal certainty and data security through electronic certificates and integrated land information systems (Klinik Pertanahan, 2025).

Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Condominium Units, and Land Registration, hereinafter referred to as PP Number 18 of 2021, introduces amendments by incorporating an electronic land registration system as an innovation in national land administration management. As regulated under PP Number 18 of 2021, the principle of legal certainty, which has long served as the foundation of the conventional land registration system, is now extended as the basis for the development of electronic land registration. This system is expected to represent a pivotal point in achieving legal certainty over land rights in Indonesia by shifting from manual processes to digital mechanisms that are more effective, efficient, and secure.

Article 1 paragraph (1) of PP Number 24 of 1997 juridically defines land registration as an administrative process conducted manually to provide physical and legal information concerning each parcel of land. In contrast, PP Number 18 of 2021 establishes an electronic-based land registration system. This system utilizes digital technology for registration processes, data management, and the issuance of land certificates. This shift indicates a paradigm change within the national land system, moving from a conventional administrative model reliant on physical documents to a digital system dependent on electronic data. Various legal consequences arise from this transformation, particularly those related to the validity of electronic certificates, personal data protection, and legal guarantees for holders of land rights.

In addition to these changes, the electronic land registration system faces a number of legal and technical challenges. System security and reliability constitute primary concerns, particularly with regard to the protection of land rights data belonging to the public. Although progress in land digitalization has demonstrated beneficial outcomes, several issues remain that must be addressed to ensure the system operates optimally. According to information from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), the electronic land certificate program is being implemented gradually and is planned to be fully effective by 2026 (Sulistyo, 2025). In practice, public skepticism persists regarding the security of electronic land registration processes, particularly concerning potential data breaches, system errors, and overlaps between physical certificates and digital records (Konsorsium Pembaruan Agraria, 2021).

Data security and privacy have become critical issues in Indonesia's implementation of electronic land certificates. Based on several media reports and public interviews cited by the Ministry of ATR/BPN in 2023, doubts remain among the public regarding the electronic certificate system, especially concerning risks of data loss and the legal validity of digital documents (Klinik Pertanahan, 2025). Although the Ministry of ATR/BPN asserts that the system employed meets information security standards, public confidence remains limited, particularly in light of several national data breach cases, such as those involving electronic identity cards (e-KTP) and alleged online sales of personal data. Public concern regarding the government's ability to safeguard land data is exacerbated by these data breach incidents. Although the security system planned by the Ministry of ATR/BPN is currently being designed and developed by the World Bank and the University of Melbourne under the supervision of the National Cyber and Crypto Agency (BSSN), the absence of certainty regarding its effectiveness continues to undermine public trust in the digitalization of land certificates (Rachman & Hastri, 2021).

Thus, although PP Number 18 of 2021 establishes a legal basis for electronic land registration, the system continues to face several challenges. These primarily concern the validity of electronic certificates, the accuracy of data authentication, and the absence of clear regulations governing digital dispute resolution mechanisms. The land registration system will function effectively only if technological advancement is accompanied by adequate legal protection and security for holders of land rights. Uncertainty regarding legal guarantees for

the validity of electronic certificates in cases of system error or digital disputes constitutes a significant emerging legal issue.

Accordingly, it is necessary to conduct research on legal certainty and legal protection for holders of land rights certificates in both conventional and electronic forms. The transition from a conventional system to a digital one carries significant consequences for land rights holders. Legal protection is intended to safeguard human rights that may be harmed by others. Satjipto Rahardjo explains that legal protection entails providing protection to human rights that have been violated by others and that such protection is afforded to society so that individuals may enjoy all rights granted by law (Prayoga et al., 2023). In this regard, the state plays a crucial role in providing protection to citizens, as legal protection represents a manifestation of state responsibility to ensure justice, security, and public safety (Hidayah et al., 2024).

Therefore, research is also required to examine the alignment between PP Number 18 of 2021 and PP Number 24 of 1997. At present, PP Number 24 of 1997 remains the basis for the manual land registration system, while PP Number 18 of 2021 introduces a new system without explicitly abolishing the previous provisions. This situation results in overlap within land administration practices. Both regulations must be analyzed to prevent normative overlap (disharmonization) that could weaken the legal certainty framework in the land sector (Talitha, n.d.). According to Boedi Harsono (Harsono, 2017), the primary objective of land registration is to ensure legal certainty and legal protection for holders of land rights. However, in practice, electronic land registration has the potential to generate legal uncertainty due to the absence of specific regulations governing protection for holders of land rights and the lack of clarity regarding the normative relationship between PP Number 24 of 1997 and PP Number 18 of 2021 (Syamsur et al., 2023).

Nevertheless, normatively, both regulations are intended to complement each other in providing legal security for holders of land rights. Further analysis is required to determine whether PP Number 18 of 2021 has modified or expanded the mechanisms regulated under PP Number 24 of 1997, as well as to assess the evidentiary strength of electronic certificates in comparison with conventional certificates in proving land rights.

Based on a review of previous studies, most research has addressed the legality of electronic certificates from a normative perspective, emphasizing efficiency and transparency in land digitalization and examining technical-administrative aspects of electronic certificate implementation. However, these studies have not comprehensively compared legal certainty between conventional and electronic certificates simultaneously, analyzed the disharmonization between PP Number 24 of 1997 and PP Number 18 of 2021, examined preventive and repressive legal protection in the context of digital risks, or integrated theories of legal certainty and legal protection within a single analytical framework.

This study does not merely observe regulatory changes but seeks to reveal structural problems within the digital land law system, evaluate digital transformation from the perspective of legal theory, and propose regulatory harmonization as a prerequisite for legal certainty.

Therefore, the purpose of this article is to contribute theoretically to the development of agrarian law in the digital era and to enhance understanding of the forms of legal protection available to holders of land rights within the context of digital transformation in land services, alongside existing holders of conventional land rights.

Based on the background outlined in the introduction, the issue examined in this study concerns the implementation of the principles of legal certainty and legal protection for holders of land rights certificates in both conventional and electronic forms under Indonesia's land registration legal system.

## **2. Research Methods**

This study employs a normative juridical approach, in which the research is conducted by examining and analyzing legal provisions, legal principles, and various statutory regulations related to the research subject. According to Soerjono Soekanto, normative juridical research is a form of legal research based on literature, carried out by examining library materials or secondary data exclusively (Soekanto & Mamudji, 2003). This method focuses on the analysis of the Basic Agrarian Law (UUPA), Government Regulation Number 24 of 1997, Government Regulation Number 18 of 2021, as well as Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities, hereinafter referred to as Ministerial Regulation of Agrarian Affairs and Spatial Planning/Head of BPN Number 3 of 2023. The purpose of this method is to examine whether these statutory regulations provide legal certainty and legal protection for holders of land rights certificates in both conventional and electronic forms.

The data obtained in this study are analyzed using a qualitative method. Qualitative normative juridical research refers to research that is based on legal norms contained within various statutory regulations (Ali, 2009). Without employing statistical data, the analysis is conducted by interpreting and systematically examining the collected legal materials. This method is utilized to assess how legal theories, principles, and statutory regulations correlate with the implementation of the land registration system. Upon completion of the analysis, deductive conclusions are drawn to address the research problems

## **3. Results and Discussion**

This legal discussion is grounded in the awareness that land possesses a social function and significant strategic value for the lives of the Indonesian people. This understanding is consistent with the provision contained in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that the state controls land, water, and all natural resources contained therein and that they must be utilized to the greatest extent possible for the prosperity of the people. The Basic Agrarian Law (UUPA) serves as the foundation of the national land law system and was established as an implementation of the provisions set forth in Article 33 paragraph (3) of the 1945 Constitution (Penjelasan umum Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria, 1960). Based on the general

elucidation of the UUPA, it can be understood that one of its objectives is to provide legal certainty for all citizens regarding their land rights. To achieve this objective, agrarian legislation in Indonesia regulates land registration as stipulated in Article 19 of the UUPA (Apriani & Bur, 2021).

One of the fundamental mechanisms for protecting holders of land rights as regulated under the UUPA (Pasal 19 Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria, 1960) is through the land registration system. By implementing land registration, the state ensures that information regarding land, both physical and juridical, is officially recorded and possesses legal force as valid evidence for verifying land ownership rights (Pasal 1 ayat 1 Peraturan Pemerintah Republik Indonesia Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah, 1997). Through the land certification process, every citizen is able to protect their ownership rights and prevent the emergence of disputes, in accordance with Article 28 paragraph (4) of the 1945 Constitution, which affirms that individual property rights shall not be arbitrarily taken (Fahrani et al., 2023).

The objective of land registration is to provide guarantees of legal certainty over land rights and legal protection of ownership. Through land registration, land rights holders obtain a document in the form of proof of rights that serves as legal evidence of ownership with guaranteed legal certainty. Under Government Regulation Number 24 of 1997, such proof of rights is referred to as a certificate (Pasal 1 angka 20 Peraturan Pemerintah Republik Indonesia Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah, 1997).

Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Condominium Units, and Land Registration was enacted in response to developments in information technology and the government's efforts to promote digital transformation through the digitalization of land services. This regulation introduces an electronic land registration system designed to enhance effectiveness, transparency, and accuracy of land data through the application of digital technology (Klinik Pertanahan, 2025).

A significant transformation in land administration management in Indonesia is reflected in the shift of land administrative systems toward digital mechanisms through the implementation of electronic land registration. This shift is further regulated under the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2023, which provides more detailed provisions regarding the issuance of electronic land documents in land registration activities. This new technology is not only intended to improve efficiency and transparency in public services but also introduces new challenges in the application of legal certainty and legal protection for holders of land rights.

Therefore, a comprehensive discussion is necessary to examine how land law regulations as stipulated in the UUPA, Government Regulation Number 24 of 1997, Government Regulation Number 18 of 2021, and Ministerial Regulation of Agrarian Affairs Number 3 of 2023 are applied within both conventional and electronic land registration systems, and whether such application is capable of providing legal certainty and legal protection for holders of land rights.

### 3.1. Theory of Legal Certainty

According to the Indonesian Dictionary (Kamus Besar Bahasa Indonesia/KBBI), the term certainty refers to something that is fixed, definite, or predetermined, while law is defined as a set of rules that apply within a country and function to guarantee the fulfillment of the rights and obligations of its citizens. Therefore, legal certainty may be understood as provisions or decisions established by a national legal system to ensure the fulfillment of rights and the implementation of obligations of every citizen in a fair and orderly manner (Bagir Manan, 2017).

According to Maria S.W. Sumardjono, the principle of legal certainty implies that, normatively, legal certainty requires the existence of a complete set of statutory regulations that can be operationally applied and supported by an effective implementation system. Empirically, such regulations must be enforced consistently and consequentially by authorized human resources so that the objectives of law can be achieved (Halilah & Arif, 2021).

The concept of legal certainty is also addressed by Jan M. Otto, as cited by Sidharta, who explains that under certain conditions legal certainty must fulfill several requirements (Jajuli, 2015):

- a. The law must be clear, consistent, easily accessible, and enacted by the government.
- b. Government institutions must be subject to the same regulations and apply them consistently.
- c. The majority of the population must accept and agree with the substance of the regulations, thereby behaving in accordance with applicable rules.
- d. Independent and impartial judges must consistently apply legal rules in resolving cases.
- e. Court decisions must be enforceable.

These five components indicate that legal certainty can only be achieved when the substance of law aligns with societal needs and values. Law derived from societal culture is capable of providing legal certainty. This condition is referred to as realistic legal certainty, namely a situation in which there is harmony between the state and society in their perspectives and application of the legal system (Jajuli, 2015).

According to Sudikno Mertokusumo, legal certainty constitutes a guarantee that the law is truly implemented, that every person who possesses rights under the law is able to obtain those rights, and that legal decisions can be executed as they should be. Law is general in nature, applies to everyone, and tends to be uniform, whereas justice is subjective, individual, and not always uniform (Sunaryo & Purnamawati, 2019). While justice is subjective and individual, law applies generally and tends to be uniform.

Based on these scholarly perspectives, it can be concluded that the principle of legal certainty is a fundamental principle within the legal system, emphasizing that the rights and obligations

of every citizen must be protected through clear, fixed, and consistent rules. Legal certainty requires not only written regulations but also fair, firm, and socially grounded implementation. Therefore, this principle functions to provide a sense of security, ensure orderly law enforcement, and serve as a foundation for creating order and justice within a state governed by the rule of law.

Conventional land rights certificates possess the advantage of clearly established administrative legality, which has been recognized since the enactment of Government Regulation of the Republic of Indonesia Number 10 of 1961 concerning Land Registration, hereinafter referred to as PP Number 10 of 1961, dated March 23, 1961. This regulation was later repealed and replaced by Government Regulation Number 24 of 1997, which came into effect on October 8, 1997, and remains in force to this day, despite the enactment of new government regulations, as only two articles were explicitly revoked (Pasal 103 Peraturan Pemerintah Republik Indonesia Nomor 18 Tahun 2021 Tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun Dan Pendaftaran Tanah, 2021).

Conventional land rights certificates are granted strong evidentiary value, as regulated under the UUPA (Pasal 19 ayat 2 huruf c Undang-Undang Republik Indonesia Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria, 1960) and Government Regulation Number 24 of 1997 (Pasal 32 Peraturan Pemerintah Republik Indonesia Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah, 1997). This means that land rights certificates possess strong, though not absolute, evidentiary power. Accordingly, as long as the physical and juridical data correspond with the land book and measurement letter, such data are deemed correct, unless proven otherwise before a court of law.

In practice, society and law enforcement authorities still tend to feel more legally protected when using conventional land rights certificates. Nevertheless, conventional land certificates also have weaknesses in terms of legal certainty, including susceptibility to duplication, physical forgery, theft, loss, or damage. Administrative risks also frequently occur, such as overlapping land maps, less accurate analog measurements, and human error in the preparation of land books.

By contrast, electronic land certificates offer advantages in that their data are integrated within a centralized database, thereby minimizing the risk of forgery through the use of certified electronic signatures, hash codes, QR codes, and metadata. When utilized in relation to banking institutions, notaries, or Land Deed Officials (PPAT), the verification process becomes more efficient. Data amendments or updates can also be conducted more easily and rapidly, as they may be carried out in real time.

However, several challenges currently remain, particularly regarding the validity of security systems, which are highly dependent on cybersecurity resilience. Strengthening cybersecurity must therefore become a priority, including improvements in infrastructure across Land Offices. Through such measures, overlaps between old and new data can be minimized. Another challenge lies in the absence of comprehensive technical regulations governing a

simultaneous and comprehensive transition, despite the existence of Ministerial Regulation of Agrarian Affairs Number 3 of 2023.

### **3.2. Theory of Legal Protection**

According to Satjipto Rahardjo, legal protection refers to the provision of safeguards for human rights that have been violated by others, and such protection is granted to society so that individuals may enjoy all rights conferred by law (Prayoga et al., 2023).

Philipus M. Hadjon argues that legal protection constitutes the protection of human dignity and worth, as well as the recognition of fundamental human rights possessed by legal subjects, based on legal provisions, against arbitrariness. This concept is rooted in Pancasila and the doctrine of the rule of law (Atmasasmita & Dkk, 2014).

Philipus M. Hadjon further classifies legal protection into preventive legal protection and repressive legal protection. Preventive legal protection is an effort to prevent disputes by providing legal subjects with the opportunity to submit objections or opinions before the government issues a final decision. Repressive legal protection, on the other hand, is protection provided after a legal violation or dispute has occurred, and its resolution is carried out through the General Courts and Administrative Courts.

According to Muchsin, legal protection is a mechanism that safeguards legal subjects through applicable statutory regulations whose implementation is enforced by sanctions (Ari Dermawan, 2019). He classifies legal protection into two categories:

#### **3.2.1. Preventive Legal Protection**

Preventive legal protection refers to protection provided by the government to prevent violations before they occur. Regulations governing this form of protection are designed to prevent violations and establish standards or limitations that must be observed in the performance of legal obligations.

In the context of conventional land rights certificates, preventive protection is implemented through mechanisms such as on-site land measurement, recording land history, public announcements at the village or sub-district level where the land is registered to allow community members and local officials to monitor the basis of ownership, and verification by the relevant Land Deed Official. Provisions regarding the announcement period are stipulated in Article 26 of Government Regulation Number 24 of 1997, namely thirty (30) days for systematic land registration and sixty (60) days for sporadic land registration. In rural areas, Land Deed Officials are often temporary officials concurrently held by the local sub-district head. This mechanism is intended to ensure that supervision of land ownership or transfer of land rights can be monitored, documented, and recorded accurately as the basis for issuing conventional land rights certificates. However, in practice, disputes still frequently occur when verification does not function optimally.

Preventive measures for electronic land rights certificates are implemented through strengthened data protection mechanisms, including digital authentication, the creation of audit trails for every data change, and oversight by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency. For electronic land rights certificates, regulations also stipulate announcement periods prior to certificate issuance, namely fourteen (14) days for systematic land registration and thirty (30) days for sporadic land registration.

Differences in the duration of announcement periods between conventional and electronic certificates may give rise to future legal issues, as the shorter timeframe may be considered insufficient to provide opportunities for third parties or other parties who may suffer losses as a result of the issuance of electronic land rights certificates. Announcement periods of fourteen (14) days or thirty (30) days may be regarded as too brief within the context of land registration notification systems.

### 3.2.2. Repressive Legal Protection

After a violation or dispute has occurred, repressive legal protection takes the form of sanctions such as fines, imprisonment, or other additional penalties. In terms of repressive protection, holders of both conventional and electronic land rights certificates may file a claim for cancellation of administratively defective certificates before the Administrative Court. Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 on Administrative Courts, hereinafter referred to as Law Number 51 of 2009, serves as the legal basis for submitting claims for certificate cancellation to the Administrative Court. Article 1 point 10 of Law Number 51 of 2009 defines disputes over Administrative Decisions of State Administration, which include land certificates (Undang-Undang Republik Indonesia Nomor 51 Tahun 2009 Tentang Perubahan Kedua Undang-Undang Nomor 5 Tahun 1986 Tentang Peradilan Tata Usaha Negara, 2009).

Provisions regarding administrative cancellation of land rights certificates are further regulated under the Regulation of the Minister of Agrarian Affairs/National Land Agency Number 9 of 1999 concerning Procedures for Granting and Cancelling Land Rights, hereinafter referred to as Ministerial Regulation Number 9 of 1999 (Pasal 106 ayat 1 dan Pasal 107 Peraturan Menteri Agraria/Badan Pertanahan Nasional Republik Indonesia Nomor 9 Tahun 1999 Tentang Tata Cara Pemberian Dan Pembatalan Hak Atas Tanah, 1999).

Repressive legal protection for civil disputes concerning land ownership rights may be pursued through two mechanisms. First, by filing a lawsuit before the District Court (Article 32 of Government Regulation of the Republic of Indonesia Number 24 of 1997 concerning Land Registration, 1997). This provision affirms that land rights certificates constitute strong and valid evidence that may serve as the primary basis in disputes before the District Court. Second, dispute resolution may also be conducted through mediation as an alternative dispute resolution mechanism outside the court system (Undang-Undang Republik Indonesia Nomor 30 Tahun 1999 Tentang Arbitrase Dan Alternatif Penyelesaian Sengketa, 1999). Constitutionally, legal protection is grounded in Article 28D paragraph (1) of the 1945 Constitution, which affirms that every person has the right to recognition, guarantees,

protection, and fair legal certainty, as well as equal treatment before the law. Accordingly, legal protection under the 1945 Constitution constitutes the right of every individual to obtain recognition, guarantees, and equal treatment before the law (Pasal 28D ayat 1 Undang-Undang Dasar 1945, 1945).

Based on various scholarly opinions and applicable legal provisions, legal protection can be understood as the responsibility of the state to guarantee, recognize, and protect the rights of every individual to prevent violations of such rights. This responsibility is also intended to ensure that justice is realized for all citizens. Legal protection manifests in two principal forms: preventive and repressive. While repressive legal protection is implemented after violations occur through dispute resolution and the imposition of sanctions in accordance with legal provisions, preventive legal protection aims to prevent violations by enabling the public to express opinions or objections prior to the issuance of final governmental decisions.

This theory is applied to assess the extent to which the electronic land registration system is capable of protecting holders of land rights from data errors, data manipulation, or other forms of digital disputes. In the era of computerization and the internet, technological convenience facilitates public service delivery; however, cooperation and mutual understanding among all stakeholders are essential to ensure that the objectives of legal protection are achieved.

Based on the foregoing discussion, it can be concluded that, in terms of substantive law, there is no difference between conventional and electronic land rights certificates in the application of legal certainty, as both are subject to the provisions of Article 32 of Government Regulation Number 24 of 1997. However, from a technical perspective, electronic land rights certificates offer greater potential for legal certainty. Administrative legal protection for electronic land rights certificates is stronger due to the digital system employed, although juridical protection remains dependent on the roles of various parties involved in its implementation.

Regulatory harmonization between Government Regulation Number 24 of 1997 and Government Regulation Number 18 of 2021 is necessary to prevent overlapping provisions concerning the form of land rights certificates. Strengthening Ministerial Regulation of Agrarian Affairs Number 3 of 2023 into a Government Regulation is also required to avoid ultra vires issues. In addition, the formulation of comprehensive land digitalization legislation is essential to regulate national standards for electronic certificates, cybersecurity for land rights holders' data, long-term land data storage, and digital collaboration systems.

#### **4. Conclusion**

Based on a normative review encompassing the Basic Agrarian Law, Government Regulation Number 24 of 1997, Government Regulation Number 18 of 2021, and the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2023, land registration functions as a fundamental instrument of the state, both constitutionally and normatively, to secure legal certainty and legal protection for holders of land rights. Conventional and electronic land rights certificates, in principle, possess equal

legal standing as valid evidence of ownership, with evidentiary strength that is not absolute in nature. The electronic land registration system, as regulated under Government Regulation Number 18 of 2021, has not yet fully realized substantive legal certainty. This condition arises from its continued reliance on the conventional land registration framework governed by Government Regulation Number 24 of 1997. The absence of explicit revocation or normative clarification regarding the relationship between these two regulations has resulted in regulatory disharmony and carries the potential to generate legal uncertainty in land administration practices and dispute resolution processes. The application of the principle of legal certainty for holders of conventional and electronic land rights certificates is conducted in accordance with the regulations applicable at the relevant time, namely Government Regulation Number 24 of 1997 for conventional certificates and Government Regulation Number 18 of 2021 for electronic certificates. The enactment of Government Regulation Number 18 of 2021 does not revoke Government Regulation Number 24 of 1997; therefore, conventional land certificates remain valid insofar as land rights holders do not apply for a change in the form of the certificate or undertake a transfer of land rights. The implementation of the principle of legal protection for holders of conventional and electronic land rights certificates under the land registration legal system is carried out through preventive and repressive protection mechanisms. Preventive legal protection for conventional land rights certificates is implemented through on-site land measurement, recording of land history, and extended announcement periods that allow the public and local administrative authorities to monitor the basis of ownership, as well as verification by the relevant Land Deed Officials. In contrast, data protection for electronic land rights certificates is implemented through digital authentication, the creation of audit trails for each data modification, and oversight by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, although particular attention must be given to the relatively short duration of public announcement periods. Strengthening legal certainty and legal protection for holders of land rights certificates requires the formulation and enforcement of regulations that are of equal or higher hierarchical status than the aforementioned Government Regulations. Such regulatory reinforcement is necessary to ensure that efforts to enhance legal certainty and legal protection for holders of land rights evidence can be effectively achieved.

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