

Double Certificates as Land Administration Defects: Parameters for Cancellation According to Government Regulation 18/2021 and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020 and Their Legal Consequences

Sarah Atikasari ¹⁾ & Suhadi ²⁾

¹⁾ Faculty of Law, Universitas Negeri Semarang (UNNES), Indonesia, E-mail: sarahatikasari01@students.unnes.ac.id

²⁾ Faculty of Law, Universitas Negeri Semarang (UNNES), Indonesia, E-mail: suhadi@mail.unnes.ac.id

Abstract. *This article discusses double/overlapping certificates as land administration defects and examines the parameters for their cancellation according to Government Regulation 18/2021 and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020, while also testing how these parameters actually work in practice and court decisions. The objectives of this study are (1) to systematize the normative parameters for the cancellation of duplicate certificates as a "gateway, requirements, and safeguards" for administrative authority, (2) to formulate applicable parameters in the form of indicators of proof used in ATR/BPN practice and litigation forums (PTUN/civil) to determine which certificates should be canceled, and (3) to analyze the legal consequences of cancellation on the status of rights, the control of registration data, and the protection of third parties. This study uses a normative (doctrinal) legal method with a legislative, case, and conceptual approach; primary legal materials include Government Regulation 18/2021, Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020, as well as chamber/SEMA formulations and relevant decisions; secondary materials are in the form of books and journal articles. The analysis was conducted qualitatively and normatively through the classification of legal materials, interpretation and construction of norms to develop normative parameters, reading of decisions/formulations to develop a checklist of applicable indicators (physical control, good faith, history of rights, procedural compliance, and forum selection), and drawing deductive conclusions. The results of the study show that normative parameters provide a framework for administrative correction, but in their application they shift to become operational parameters that determine the evidence and direction of the settlement forum, especially when there is a transfer of rights, a third party acting in good faith, or a burden of encumbrance. The novelty of this research lies in the systematic mapping and linking of two layers of parameters (normative-applicative) as operational*

measures for the cancellation of double certificates and their legal consequences in order to be more consistent and predictive.

Keywords: *Consequences; Cancellation; Double Certificates; Parameters.*

1. Introduction

Land registration is essentially designed to provide legal certainty and protection through the establishment of documented physical data (location, boundaries, area) and juridical data (subject, type of right, encumbrance, transfer). However, the practice of land registration still shows paradoxes, especially in terms of the emergence of double certificates/overlapping certificates, which actually trigger disputes. In the context of acceleration programs such as PTSL, research findings show that overlapping ownership after the issuance of certificates still occurs and protection for aggrieved parties is often neglected due to procedural violations, thus confirming that administrative acceleration is not automatically proportional to legal certainty in the field (Artika & Silviana, 2025). Parsaulian and Sudjito (2019) show that the problem of overlapping/duplicate certificates is still one of the main sources of land disputes because physical and juridical data are not precisely integrated, especially in terms of boundary determination, measurement, and proof of ownership history; Similar findings are also evident in a study of Administrative Court decisions, which highlights that "overlapping" disputes are not only a matter of who holds the certificate, but also a matter of the orderliness of the issuance procedure and the fulfillment of the principles of good governance in land administration actions (Sarjiyati et al., 2024). So that certificates, which should be instruments of legal certainty, can actually produce uncertainty when more than one certificate appears for a single plot of land or when the boundaries of a plot of land "intersect" with another plot due to measurement data errors and/or administrative inspection errors.

Normatively, land registration is positioned as a state instrument to provide legal certainty and legal protection for rights holders. In the framework of handling land cases, Article 34 paragraph (1) of *and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020* explicitly affirms the principle that "*in principle, only one certificate of land rights can be issued for one plot of land*". If there are one or more overlapping certificates (in whole or in part), the mechanism that should be implemented is case handling in accordance with the specified stages, which may ultimately result in the cancellation of certificates proven to contain administrative and/or legal defects as stated in Article 34 paragraph (2) and (3) of *and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020*. At the "*das sollen*" level, this construction builds on the assumption that the land administration system is capable of maintaining the singularity of certificates in one plot of land, but at the "*das sein*" level, duplicate certificates continue to occur in practice and cause friction in jurisdictional resolution.

The problem is that duplicate certificates do not usually arise from a single cause, but rather from a combination of factors such as the carelessness of officials, poor quality of spatial data, gaps/inconsistencies in registration data, and even bad faith on the part of the applicant (Sanad & Ma'ruf, 2025). Earlier literature has also identified overlapping as a form of administrative defect that can trigger cancellation, for example through errors in measurement/mapping procedures, subject-object errors, or misapplication of regulations (Dotulung, 2018). Article 35 of *and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020* states that "overlapping land rights" is explicitly mentioned as one of the causes for the cancellation of legal products due to administrative and/or juridical defects, along with other causes such as errors in the procedure for issuing/maintaining registration data, measurement errors, and errors in the object or subject of rights. This means that duplicate certificates can be positioned as a manifestation of land administration defects, but the practice of proving them and "who is to be canceled" is often not simple because it involves a battle of physical data, legal data, and the behavior of the parties involved.

In the context of legal reform, Government Regulation 18/2021 formulates more explicit parameters for cancellation in the category of administrative defects, whereby Article 64 essentially stipulates that cancellation of land rights due to administrative defects can only be carried out: (a) before 5 (five) years from the issuance of the certificate for (i) rights that were first issued and have not been transferred, or (ii) rights that have been transferred but the parties are not acting in good faith; or (b) due to overlapping land rights, and if the 5-year period for category (a) has been exceeded, then the cancellation is pursued through judicial mechanisms. This norm is important because it forms a "gateway" and at the same time a "limit" to administrative cancellation authority, which in practice is often debated when the 5-year period for category (a) has been exceeded. (a) has been exceeded, then the revocation is pursued through judicial mechanisms. This norm is important because it forms a "gateway" and at the same time a "limit" to administrative revocation authority, which in practice is often debated when the certificate has been issued for a long time, has changed hands, or has even been encumbered with collateral rights (Republic of Indonesia, 2021). Meanwhile, *and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020* provides more operational procedural and institutional tools: Article 1 point 14 defines "cancellation" as a decision that cancels a legal product due to administrative and/or juridical defects in its issuance or to implement a court decision that has permanent legal force; Article 29 paragraph (1) states that the cancellation of legal products is carried out by the competent authority due to administrative/legal defects or to implement a court decision; and Article 32 contains protective measures for third parties acting in good faith because the Ministry/Regional Office, under certain conditions, cannot cancel legal products if the rights have been transferred to third parties, the third parties are not parties to the case, and the acquisition of rights was carried out in good faith before the case arose, so that normatively this series of provisions seems to present a clear path through the classification of causes (Article 35), the principle of one field, one certificate (Article 34), the authority to revoke (Articles 29-30), and the

limitations on revocation (Article 32). but it still leaves the crucial question of whether these normative parameters are identical to the parameters actually used in practice/decisions (Ministry of Agrarian Affairs and Spatial Planning/National Land Agency of the Republic of Indonesia, 2020).

This is where the layer of "applicative parameters" comes into play. In the practice of administrative court proceedings, the Supreme Court, through the Administrative Chamber Formulation (SEMA 3/2018), provides operational indicators for judges when dealing with overlapping certificates: judges can cancel certificates that were issued later on the condition that, among other things, the holder of the certificate that was issued earlier has physical control of the land in good faith; or has a clear and uninterrupted history of rights/possession; or the procedure for issuing the earlier certificate complies with laws and regulations (Supreme Court of the Republic of Indonesia, 2018). The study by Sarjiyati et al. (2024) confirms that the considerations of the Administrative Court judges in overlapping cases do not stop at "whether there is an overlap," but also assess formal aspects (authority and deadlines), procedural-substantive aspects, and their conformity with the general principles of good governance, which may lead to the revocation of certain certificates. Thus, the applicable parameters tend to be indicators of proof (e.g., physical control, good faith, history of rights, and procedural order), which may differ in nuance and weight from the normative parameters that are "categorical" in regulatory texts.

The gap between "what should be" and "what happens" becomes even more apparent when administrative revocation intersects with the transfer of rights, third-party interests, and/or encumbrances. On the one hand, *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020* requires notification to rights holders and encumbrances prior to cancellation (Article 29 paragraph (2)), and provides limitations on cancellation to protect third parties acting in good faith (Article 32). On the other hand, research on cancellation practices shows that there is a dynamic: the land office can be "very cautious" or delay cancellation without a court decision, because the cancellation of a certificate has direct implications for the existence of rights and potential administrative and civil liability (Maharani & Anggoro, 2024; Putra, 2015). Consequently, rights holders who are harmed by double certificates often face an ambiguous situation in which administrative channels are available, but the burden of proof and institutional courage to determine which certificate to cancel often shifts to the arena of litigation, which simultaneously changes the parameters used from "normative parameters" to "applicative parameters."

A number of previous studies have discussed the issue of double certificates, but have not fully mapped the differences and bridges between *normative* and *applicative parameters*. For example, Maharani and Anggoro emphasize that revocation can stem from administrative/legal defects and, if filed after 5 years, must be pursued through the courts. They also criticize revocation by the land office without a final and binding court decision (Maharani & Anggoro, 2024), while Larasati and Bakri show that since the issuance of SEMA

4/2016, not all decisions have been consistent in making it a basis for consideration, so that the standard of protection for buyers in good faith is not yet uniform (Larasati & Bakri, 2018). and Artika and Silviana add an empirical dimension that systematic post-registration overlaps can be intertwined with procedural violations that weaken the protection of the aggrieved party (Artika & Silviana, 2025). As far as literature searches are concerned, previous studies tend to be polarized—some focus on the concept of administrative defects and normative cancellation mechanisms (Dotulung, 2018; Putra, 2015), some on overlapping factors in the context of regions/programs (Parsaulian & Sudjito, 2019; Sanad & Ma'ruf, 2025), and some on the reading of decisions and their legal consequences (Sarjiyati et al., 2024)—so that there is still relatively limited research that systematically brings together *normative parameters* (PP 18/2021 and *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020*) with *applicable parameters* that are correctly used as indicators of evidence in practice/judgments (e.g., good faith test, physical control, uninterrupted history of rights, procedural compliance, and AUPB), even though it is this gap that explains why the rules are already available but the indicators of practice can differ/increase/be inconsistent and ultimately affect the certainty of which certificates are canceled, when to go through the courts, and the consequences for rights holders and third parties (Dotulung, 2018; Larasati & Bakri, 2018; Maharani & Anggoro, 2024; Putra, 2015; Sarjiyati et al., 2024).

Based on this description, this article was written with the following objectives: (1) to identify and systematize the normative parameters for the cancellation of double/overlapping certificates as administrative defects according to Government Regulation 18/2021 and *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020*, (2) to construct applicable parameters in practice/decisions as indicators of evidence in determining the cancellation of double certificates, and (3) to analyze the legal consequences of cancellation on land rights status, registration data, and third parties. With these objectives in mind, this article aims not only to explain the applicable norms, but also to offer an analytical bridge between the "text of the rules" and the "workings of evidence" in the resolution of double certificates in the field

2. Research Method

This study is a normative (*doctrinal*) legal study (Soekanto & Mamudji, 2009) using *a statutory approach, case approach, and conceptual approach* (Marzuki, 2017). the research specification is descriptive-analytical in nature to describe and analyze the parameters for the cancellation of double certificates according to Government Regulation 18/2021 and *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020* and their legal consequences (Soekanto & Mamudji, 2009); the data collection method was conducted through a literature study with an inventory of primary legal materials (related laws and regulations, chamber/SEMA formulations, and relevant decisions/jurisprudence), secondary legal materials (books and journal articles), and tertiary legal materials (legal dictionaries/encyclopedias and supporting sources) (Ali, 2021);

and the data analysis method was carried out qualitatively-normatively through the classification of legal materials, interpretation and construction of norms to compile normative parameters, analysis of decisions/formulations to formulate applicable parameters, and drawing conclusions using a deductive pattern (Ibrahim, 2013)

3. Results and Discussion

3.1. Normative parameters for the cancellation of double/overlapping certificates as administrative defects according to Government Regulation 18/2021 and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020

Normatively, double certificates/overlapping certificates are contrary to the purpose of land registration, because land registration is essentially intended to accurately record physical data (location, boundaries, area) as well as juridical data (subject, type of rights, encumbrances, and transfers) on the same plot of land. When there are two or more certificates for one plot, or when the boundaries of the plots "intersect" and overlap, then from a land administration perspective, this situation indicates a disruption in administrative order, whether in the data collection stage (measurement/mapping), examination of legal basis and ownership history, or in the land registration data maintenance stage. Therefore, duplicate certificates are not merely understood as "dual evidence of rights," but as an indicator of flaws in the administrative process that gave rise to land law products. This is where normative parameters become important because they determine when and how the state, through ATR/BPN, can make corrections in the form of cancellations, as well as the limits so that cancellations do not turn into arbitrary actions that actually add to the uncertainty.

Article 34 paragraph (1) of *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020* affirms the basic principle that forms the starting point for double certificate cases, namely the principle of a single certificate for a single plot of land, which in principle explains that only one certificate can be issued for a single plot of land, unless otherwise specified by law. When an overlap occurs, the norm does not directly order "the cancellation of one of the certificates," but rather requires a "Handling" mechanism first for the overlapping certificates, and cancellation can only be carried out against certificates that, based on the results of the handling, are proven to contain administrative and/or juridical defects as stated in Article 34 paragraphs (2) and (3) of *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020*. This construction shows a layered normative parameter where *overlap* is *the trigger* (trigger for handling), while cancellation is a consequence that is only valid if preceded by administrative verification through case handling. Thus, textually, a double certificate does not automatically result in the cancellation of one of the certificates, but requires proof of "defects" that can be accounted for administratively.

Government Regulation 18/2021 reinforces the "gateway of authority" for administrative cancellation through Article 64. This regulation is important because it sets *the legal threshold* for when cancellation due to administrative defects can be pursued administratively and when it must be transferred to the judicial mechanism. Article 64 essentially stipulates that the revocation of land rights due to administrative defects can only be carried out within 5 (five) years of the issuance of the certificate for two circumstances: (i) the rights were issued for the first time and have not been transferred, or (ii) the rights have been transferred but the parties did not act in good faith regarding the transfer. In addition, Article 64 also confirms overlapping land rights as the basis for revocation. Furthermore, if the 5 (five) year period for certain categories has been exceeded, revocation is pursued through judicial mechanisms. With this formulation, the normative parameters of Government Regulation 18/2021 establish three evaluation points, namely: (1) the time point (whether it is still within the 5-year period), (2) the status of rights and transfer (not yet transferred or already transferred), and (3) the quality of good faith (especially when a transfer has occurred). This regulation is directly relevant to disputes over double certificates, because *overlap* in practice often intersects with chain transfers (multiple sales and purchases), so that the time limit and quality of good faith become determining issues as to whether cancellation is still possible administratively or must be pursued through the courts.

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020 then supplements the framework of Government Regulation 18/2021 with definitional and procedural tools that make cancellation operational. First, Article 1 point 14 of Regulation 21/2020 defines "cancellation" as a decision that cancels a Legal Product due to administrative and/or juridical defects in its issuance or to implement a court decision that has permanent legal force. This definition clarifies that cancellation can arise from two different normative bases, namely: (i) internal administrative control over defects in issuance (administrative/legal defects) and (ii) administrative actions to execute a *final* court decision. Second, Article 29 paragraph (1) of Ministerial Regulation 21/2020 confirms that the cancellation of Legal Products is carried out by authorized officials due to administrative/legal defects or to implement court decisions. Thus, the cancellation of double certificates must normatively meet the competency parameter (authorized officials), not just the substance parameter (there are defects). This shows that the norm not only assesses "what" is revoked, but also "who" is authorized to revoke it as a condition for the legality of administrative actions.

Furthermore, Ministerial Regulation 21/2020 provides normative parameters regarding the "reasons" or grounds for revocation due to administrative/legal defects through Article 35. In the list of reasons, "*overlapping land rights*" is explicitly mentioned as one of the grounds for revocation. However, in the context of double certificates, it is also important to link overlap with other causes that commonly accompany it and are also recognized as grounds for defects, such as errors in the process/procedure of issuing rights and maintaining land registration data, errors in the measurement process/procedure, errors in the subject, and errors in the object of rights. This connection is normatively crucial because overlap is often a "symptom,"

while the root cause of the defect lies in the measurement/mapping process or legal data verification. Thus, constructing grounds for cancellation solely by referring to "overlap" without tracing the underlying type of defect has the potential to weaken the legitimacy of the cancellation decision. In other words, Article 35 allows for more precise cancellation based on whether the dominant defect lies in the physical data (measurement/mapping), legal data (subject/object), or data issuance/maintenance procedures.

The next normative parameter is the formal and *due process* parameter, which determines whether the cancellation is carried out through an accountable administrative process. Article 36 of Ministerial Regulation 21/2020 requires that a proposal for cancellation be accompanied by certain documents, including the physical and legal data documents proposed for cancellation, the handling results document, and other supporting documents that indicate the existence of defects. The emphasis on "handling result documents" is very important for cases of double certificates because it reinforces that the cancellation is not based on assumptions or unilateral claims, but on the output of an administrative examination that documents the findings of defects. In addition, Article 32 of Ministerial Regulation 21/2020 also provides protection for third parties acting in good faith, namely *"under certain conditions, the Ministry/Regional Office cannot cancel a legal product if the rights have been transferred to a third party, the third party is not a party to the case, and the acquisition of rights was carried out in good faith before the case arose"*. This protection has two normative meanings. First, it limits administrative revocation so as not to harm certain third parties. Second, it confirms that in certain configurations, the revocation of duplicate certificates will be pushed to the judicial process. The literature also emphasizes that administrative revocation without a strong procedural basis has the potential to cause legality problems and give rise to new disputes, so that the basic issues of authority and revocation procedures determine the quality of legal certainty (Maharani & Anggoro, 2024).

Based on this construction, the normative parameters for the cancellation of duplicate certificates can be understood as a series of interlocking conditions. First, the existence of overlap triggers the obligation to handle the case, and cancellation can only be carried out if the results of the handling find administrative/legal defects. Second, the basis for the defect must be qualified in accordance with the normative causes in Article 35 of *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020*, including overlap as an explicit cause and/or other relevant causes. Third, the cancellation must pass through the "gateway" of Government Regulation 18/2021, especially the time limitation, transitional status, and good faith as stated in Article 64, including the consequences of shifting to the court if the temporal requirements for certain categories are not met. Fourth, the cancellation must be supported by an administrative evidence package as required by Article 36. Fifth, the cancellation must not violate the protection of third parties acting in good faith as stipulated in Article 32 of *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020*.

3.2. Applicative parameters in practice/decisions as indicators of evidence in determining the cancellation of duplicate certificates

If in the previous sub-section the normative parameters are understood as the "gateway, requirements, and safeguards" set by Government Regulation 18/2021 and *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020*, then at the level of case handling practice and court decisions these parameters are transformed into factual and contextual indicators of evidence. In cases of double certificates, judges and land officials ultimately do not only examine "whether there is an overlap," but also assess the quality of physical data, the continuity of legal data, compliance with issuance procedures, and the good faith of the parties. This shift explains why two cases that both contain overlaps can lead to different outcomes, with one being resolved through administrative cancellation, while the other is pursued through civil or administrative court proceedings. In the administrative court, one of the certificates is canceled due to procedural defects, but in the civil court, the focus shifts to proving ownership and protecting buyers acting in good faith.

The most explicit applicable parameters, which also serve as a "bridge" between norms and practices, are formulated in the TUN Chamber's Formulation, which is enforced through SEMA Number 3 of 2018. This formulation provides guidelines on how the Administrative Court tests the validity of certificates when there are overlapping certificates, whereby judges can revoke certificates that were issued earlier if the holders of those certificates meet certain indicators, namely (i) they have physical control of the land in good faith, or (ii) has a clear and uninterrupted history of rights and control, or (iii) the procedure for issuing the certificate issued first is in accordance with the provisions of laws and regulations. This formulation is important because it presents an "applicable checklist" that does not merely state overlap as a cause, but requires proof of the quality of the certificate issued earlier through indicators of physical control/good faith, continuity of rights history, and procedural compliance. With the *disjunctive* "or" construction, theoretically, one indicator alone can be the basis for invalidating the last-issued certificate. but in practice, these indicators are often presented cumulatively to strengthen the judge's conviction, for example, physical control supported by an unbroken history of acquisition and evidence of orderly measurement and issuance procedures (Sarjiyati et al., 2024).

The TUN SEMA 3/2018 formulation also contains a crucial affirmation for forum selection, namely that if these indicators are not met, then "*the issue of ownership must first be resolved through civil proceedings.*" In practical terms, this provision confirms two layers of testing. The first layer is administrative testing (TUN) of the validity of certificate issuance, focusing on government actions and procedural compliance, which is still possible when indicators of prior certificate holders can be demonstrated. The second layer is an ownership test when the main contest is no longer on the procedure for issuing certificates, but on "who is the rightful owner" based on civil rights evidence. Thus, the applicable parameters not only serve to determine which certificates should be revoked, but also determine the dispute resolution

path (TUN vs. civil), which ultimately has implications for the burden of proof and the type of verdict that may be handed down (Sarjiyati et al., 2024).

In civil forums, the dominant applicable parameters shift to the protection of bona fide parties, especially when the certificate has been transferred to a third party. The formulation of the General Civil Chamber, which was enacted through SEMA Number 4 of 2016, formulates the criteria for buyers acting in good faith who need to be protected based on Article 1338 paragraph (3) of the Civil Code. Broadly speaking, the indicators are divided into two: (a) the buyer conducts the sale and purchase with valid procedures and documents, and (b) the buyer exercises due diligence by examining matters related to the object, including ensuring that the seller has the right, the land is not under seizure, is not collateral/encumbered, and for certified land, obtaining information from the National Land Agency (BPN) and the legal history of the land with the certificate holder. These criteria are highly influential applicable parameters in cases of double certificates involving third parties, because even though normatively there are grounds for administrative defects, protection for buyers acting in good faith can change the configuration of the settlement and assessment, focusing on whether the third party has met the due diligence standards so that they deserve protection, or conversely, their acquisition is considered not to be in good faith (Larasati & Bakri, 2018).

In this context, ATR/BPN practices also demonstrate administrative-operational applicable parameters, namely indicators used to assess whether cancellation can be carried out through administrative authority or must be "pushed" through the courts. In general, these indicators relate to the completeness and consistency of physical and legal data, the availability of adequate case handling results, and the existence of complications in the form of transfers to third parties, ongoing disputes, or the status of objects that have been encumbered with collateral. Studies on the authority to revoke/cancel certificates show that cancellation practices often face debates over the legality of administrative actions, especially when the certificate has been issued for a long time or a transfer has already taken place. In these circumstances, the land office tends to be cautious and directs the resolution to the judicial mechanism to avoid the risk of revocation, which is prone to counterclaims (Maharani & Anggoro, 2024). Empirical findings in the context of systematic registration also reinforce that overlap after the issuance of certificates is often related to procedural violations and weak protection of the aggrieved party, so that in practice the indicators of "procedural compliance" and "quality of administrative evidence" are key before revocation is actually executed (Artika & Silviana, 2025).

Based on the above mapping, the applicable parameters for the cancellation of duplicate certificates can be conceptually formulated as a "checklist of evidence" that works across forums. In the Administrative Court, the key indicators follow the Administrative Chamber's Formulation SEMA 3/2018, which are as follows: (i) physical possession in good faith by the holder of the certificate that was issued earlier, and/or (ii) a clear and uninterrupted history of rights, and/or (iii) orderly issuance procedures. If these indicators are not met, the ownership dispute is prioritized through civil proceedings. In civil law, the indicators shift to testing the

buyer's good faith in accordance with SEMA 4/2016, particularly through the validity of the acquisition procedure and concrete *due diligence*. Meanwhile, in ATR/BPN practice, the operational indicators function as an "administrative cancellation eligibility filter," namely whether there is sufficient basis for handling, whether there are third parties that need to be protected, and whether the factual-legal conditions of the object allow for administrative action without violating the principle of government prudence. With this construction, it is clear that normative parameters provide the framework, but applicative parameters determine how that framework is translated into a measurement tool that ultimately influences which certificates are canceled, which paths are taken, and how legal certainty can be restored.

3.3. Legal consequences of cancellation on land rights status, registration data, and third parties

The cancellation of duplicate certificates is essentially an administrative correction instrument that has direct implications for the validity of rights, the order of registration data, and the position of third parties who may have had legal dealings with the land in question. At this point, cancellation cannot be understood merely as a "revocation of documents," but rather as an action that nullifies the administrative legitimacy of a right and at the same time reorganizes the physical-legal data in the land registration system, so that the consequences are multi-dimensional, namely: (i) the status of the rights of the holder of the canceled certificate, (ii) changes/reorganization of land registration records, and (iii) protection or restrictions on certain third parties, including bona fide purchasers and holders of encumbrances (Putra, 2015).

From the perspective of rights status, the most fundamental consequence of revocation is the loss of the legal-administrative basis that supports the existence of the certificate as proof of rights. *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020* positions revocation as a decision that revokes Legal Products due to administrative and/or juridical defects in their issuance or to implement a court decision that has permanent legal force. This means that once the revocation decision is made or when revocation occurs as the implementation of a *final* court decision, the revoked certificate can no longer be maintained as a valid basis for administrative evidence. This consequence extends to the legal relationship between the parties, such as claims of control/ownership that were originally based on the certificate losing their administrative support and opening up the possibility of restoration/rearrangement of rights based on certificates that are deemed valid or based on court decisions (Dotulung, 2018). In the case of dual certificates, the implication also relates to "which certificate prevails," because the revocation is directed at the certificate that, after processing or after being tested in court, is proven to be defective, while the other certificate is positioned as a stronger or more administratively orderly representation of rights.

The difference in the revocation process also determines the nuances of the legal consequences. In the administrative process, Government Regulation 18/2021 establishes a

"gateway" for when administrative revocation can be carried out and when it must go through the courts, particularly through the time limits and conditions as stated in Article 64. Consequently, for certain cases that have passed the time limit or involve complex transitions, cancellation tends to shift to the court, so that the status of rights is more often restored through a court decision rather than solely through an administrative decision (Maharani & Anggoro, 2024). In the context of judicial practice, particularly in administrative disputes related to overlapping certificates, the Supreme Court guidelines emphasize that certificates issued later can be revoked if the holder of the certificate issued earlier meets certain indicators, and if the indicators are not met, ownership is prioritized through civil law. Thus, the legal consequences on the status of rights are not always "finalized" upon revocation, but can also continue into a series of rights restoration through different forums, depending on whether the dispute is predominantly administrative or predominantly ownership-related.

Furthermore, the cancellation of duplicate certificates has a direct impact on land registration data, because the core problem of duplicate certificates generally stems from the disorder or inconsistency of physical data (maps/survey letters/location-boundaries-area) and juridical data (subject/type of rights/encumbrances/transfers). Normatively, *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020* affirms the principle of one certificate per plot and requires "Handling" when there is an overlap, and cancellation is carried out after administrative/legal defects are found. The administrative consequences of cancellation at this stage cannot be separated from the obligation to update/maintain registration data, such as recording the cancellation in the land register and registration system, organizing legal records, and correcting/confirming physical data through re-measurement or land parcel mapping so that overlaps do not recur. In other words, cancellation only truly restores legal certainty if it is followed by consistent reorganization of registration data, rather than simply revoking a certificate while leaving the physical-legal database unclear (Parsaulian & Sudjito, 2019).

The most sensitive aspect arises in the legal consequences for third parties, because duplicate certificates often only "explode" after the land has changed hands, been used as an object of transaction, or been encumbered with collateral. Normatively, *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020* provides protection for third parties acting in good faith so that under certain conditions the Ministry/Regional Office cannot revoke Legal Products if the rights have been transferred to third parties, the third parties are not parties to the case, and the acquisition was made in good faith before the case arose. The legal consequence is that "direct" administrative revocation becomes limited, so that parties who feel aggrieved are often directed to take legal action so that the position of third parties can be tested in a more comprehensive evidentiary process (Maharani & Anggoro, 2024). On the other hand, in civil court practice, the Supreme Court has formulated indicators of a buyer acting in good faith that should be protected, which essentially require the validity of the acquisition procedure and *due* diligence on the status of the land, including ensuring that the land is not in dispute/under seizure and, for certified land, obtaining information from the National Land

Agency (BPN) and the history of the legal relationship of the land (Larasati & Bakri, 2018). With this standard, the consequences of cancellation for third parties depend on whether the third party can prove their good faith; if good faith is proven, protection can prevent administrative cancellation or affect the construction of the restoration of rights and responsibilities of the parties.

Third-party involvement is also inherent in the consequences for Mortgage Rights, as overlapping certificates are often used as collateral. In principle, Mortgage Rights are accessory to the rights to the mortgaged land, so that any change or loss of the basis of the rights will have an impact on the collateral relationship and the position of the creditor (Putra, 2015). Within the procedural framework of *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020*, cancellation due to administrative/legal defects is carried out by the competent authority and at a certain stage must involve notification to the holder of Land Rights and the holder of Mortgage Rights before the cancellation is carried out, so that this regulation shows explicit recognition that the holder of Mortgage Rights is an affected interested party. In practice, the cancellation of HT can lead to further disputes regarding creditor protection, good faith qualifications, and recovery/compensation schemes, especially if the creditor has exercised due *diligence* but the collateral turns out to be derived from a defective certificate (Putra, 2015). Therefore, the discussion of the legal consequences of the cancellation of double certificates is incomplete without placing the HT as a variable that reinforces the urgency of the applicable parameters, namely the indicators of proof of good faith and prudence to determine who should be protected when the cancellation causes economic losses.

Overall, the legal consequences of double certificate cancellation can be summarized as a three-tiered mechanism for restoring legal certainty. First, cancellation negates the administrative legitimacy of the defective certificate and affects the status of the holder's rights, with the possibility of a shift in the forum for resolution in accordance with the "gateway" of Government Regulation 18/2021 and judicial guidelines. Second, the cancellation triggers the obligation to reorganize land registration data (physical and juridical) so that the basis of legal certainty is truly restored, not just invalidating one document. Third, the cancellation has consequences for third parties, such as buyers acting in good faith and creditors holding HT, so that the protection of third parties becomes a limiting factor in administrative cancellation as well as a determining factor in the direction of dispute resolution (Putra, 2015). By examining these three layers of legal consequences, it is evident that the inconsistency between normative and applicative parameters directly contributes to uncertainty. When the indicators of proof in practice/decisions are not in line with the design of the regulations, the determination of which certificates to cancel, when to go through the courts, and how the position of third parties becomes inconsistent, thereby reducing the objective of legal certainty in land registration (Artika & Silviana, 2025).

4. Conclusion

Based on the analysis of normative and applicable parameters above, the cancellation of duplicate certificates as a land administration defect is normatively constructed through the "gateway, requirements, and safeguards" stipulated in Government Regulation 18/2021 and *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020*. Overlapping is the trigger for case handling, and cancellation is only valid if the results of the handling prove the existence of administrative and/or juridical defects, and the authority for administrative cancellation is limited by Article 64 of Government Regulation 18/2021 and the limitation of protection for third parties acting in good faith in Article 32 of Ministerial Regulation 21/2020. However, at the implementation level, these regulations do not work automatically, but are used as applicable parameters in the form of a checklist of indicators of proof used in court decisions, particularly through tests of physical control and good faith, uninterrupted history of rights, procedural compliance, and the separation of the Administrative Court forum from the civil court when disputes shift from the validity of KTUN to ownership. This normative-applicative gap explains why, even though the regulatory framework is in place, uncertainty still exists or arises in determining which certificates should be revoked and when revocation must be pursued through the courts, especially when there has been a transfer of rights, a third party has emerged, or the land is encumbered with a lien. The legal consequence is that revocation not only nullifies the administrative legitimacy of defective certificates, but also requires the rectification of registration data (physical and juridical) and the placement of third-party protection as a corrective limit on administrative authority. Therefore, the novelty of this article lies in mapping and linking two layers of normative and applicative parameters as a more operational measure to assess the cancellation of duplicate certificates and their legal consequences consistently in accordance with Government Regulation 18/2021 and *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/2020*.

5. References

Journal:

- Artika, S. D., & Silviana, A. (2025). Kepastian hukum atas pemilik tanah yang tumpang tindih akibat penerbitan sertifikat PTSL. *Notarius*, 18(1), 140–156. doi:10.14710/nts.v18i1.57791
- Dewandaru, P. A., Hastuti, N. T., & Wisnaeni, F. (2020). Penyelesaian sengketa tanah terhadap sertifikat ganda di Badan Pertanahan Nasional. *Notarius*, 13(1), 154–169.
- Dotulung, D. D. (2018). Pembatalan sertipikat hak atas tanah akibat cacat hukum administrasi. *Lex Privatum*, 6(1), 159–167.
- Hufadzah, H., Santi, A. A., & Adiyanta, F. S. (2017). Pembatalan sertifikat hak milik atas tanah sebagai akibat adanya sertifikat ganda (Studi kasus wilayah administrasi Kantor Pertanahan Kota Semarang). *Diponegoro Law Journal*, 6(2), 1–12.

- Larasati, F. R., & Bakri, M. (2019). Implementasi Surat Edaran Mahkamah Agung Nomor 4 Tahun 2016 pada putusan hakim dalam pemberian perlindungan hukum bagi pembeli beritikad baik. *Jurnal Konstitusi*, 15(4), 881–902. doi:10.31078/jk15410
- Maharani, S., & Anggoro, S. (2024). Pembatalan sertipikat tanah oleh kantor pertanahan tanpa adanya putusan pengadilan yang telah berkekuatan hukum tetap. *Jurnal Ilmiah Galuh Justisi*, 12(2), 223–238. doi:10.25157/galuhjustisi.v12i2.12865
- Parsaulian, A. P., & Sudjito. (2019). Masalah tumpang tindih sertipikat hak milik atas tanah di Kota Banjarbaru (Putusan Nomor: 24/G/2014/PTUN.BJM). *BHUMI: Jurnal Agraria dan Pertanahan*, 5(1), 129–135. doi:10.31292/jb.v5i1.324
- Prakasa, A. K., Zuhir, A., & Adriansyah, A. (2020). Pembatalan sertifikat hak milik dibebani hak tanggungan akibat putusan pengadilan yang berkekuatan hukum tetap. *Recital Review*, 2(1), 39–52.
- Putra, F. M. K. (2015). Pembatalan sertipikat hak atas tanah karena cacat administratif serta implikasinya apabila hak atas tanah sedang dijaminkan. *Perspektif*, 20(2), 101–116.
- Rosadi, B., Prasetyo, A., & Sulyati, E. (2023). Pembatalan sertifikat hak atas tanah akibat cacat administrasi. *Living Law*, 15(1), 68–76
- Sa'diyah, A., & Aminah. (2024). Sengketa tanah bersertipikat ganda (Analisis Putusan Pengadilan Negeri No. 134/Pdt.G/2019/Pn Amb). *Notarius*, 17(1), 462–479.
- Sarjiyati, Pradhana, A. P., Haryani, A. T., Sukarjono, B., Zulkarnain, I. F., & Rahmawati, G. A. (2024). Juridical analysis of the State Administrative Court of Surabaya's Decision No. 32/G/2023/PTUN.SBY on land ownership certificate overlapping. *Jurnal Jurisprudence*, 14(2), 262–278. doi:10.23917/jurisprudence.v14i2.6017
- Soediro, Faridli, E. M., & Dwiana, D. A. (2021). Settlement of double certificate cases in Bandung (Case study of judge's decision number: 976k/Pdt/2015). *Jurnal Dinamika Hukum*, 21(3), 512–519. doi:10.20884/1.jdh.2021.21.3.3431
- Sudirga, I. M. (2020). Eksistensi program Pendaftaran Tanah Sistematis Lengkap (PTSL) dalam mencegah terbitnya sertipikat ganda di Kantor Pertanahan Kota Denpasar. *Jurnal Hukum Saraswati*, 2(1), 1–15.

Books:

- Ali, Z. (2021). *Metode penelitian hukum*. Sinar Grafika.
- Harsono, B. (2008). *Hukum agraria Indonesia: Sejarah pembentukan Undang-Undang Pokok Agraria, isi dan pelaksanaannya* (Jilid 1). Djambatan.
- Ibrahim, J. (2013). *Teori & metodologi penelitian hukum normatif*. Bayu Media.
- Marzuki, P. M. (2017). *Penelitian hukum* (Edisi revisi). Kencana
- Parlindungan, A. P. (1999). *Pendaftaran tanah di Indonesia: Berdasarkan PP No. 24 Tahun 1997 dilengkapi dengan peraturan pelaksanaannya*. Mandar Maju.
- Santoso, U. (2015). *Pendaftaran dan peralihan hak atas tanah*. Kencana.
- Sjahdeini, S. R. (1999). *Hak tanggungan: Asas-asas, ketentuan-ketentuan pokok dan masalah yang dihadapi oleh perbankan* (Edisi revisi). Alumni.
- Soekanto, S., & Mamudji, S. (2009). *Penelitian hukum normatif: Suatu tinjauan singkat*. Rajawali Pers.



Regulations:

- Mahkamah Agung Republik Indonesia. (2016). *Surat Edaran Mahkamah Agung Nomor 4 Tahun 2016 tentang Pemberlakuan Rumusan Hasil Rapat Pleno Kamar Mahkamah Agung Tahun 2016 sebagai Pedoman Pelaksanaan Tugas bagi Pengadilan.*
- Mahkamah Agung Republik Indonesia. (2018). *Surat Edaran Mahkamah Agung Nomor 3 Tahun 2018 tentang Pemberlakuan Rumusan Hasil Rapat Pleno Kamar Mahkamah Agung Tahun 2018 sebagai Pedoman Pelaksanaan Tugas bagi Pengadilan.*
- Pengadilan Tata Usaha Negara Banjarmasin. (2014). *Putusan Nomor 24/G/2014/PTUN.BJM.*
- Pengadilan Tata Usaha Negara Surabaya. (2023). *Putusan Nomor 32/G/2023/PTUN.SBY.*
- Republik Indonesia. (1960). *Undang-Undang Republik Indonesia Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria.*
- Republik Indonesia. (1997). *Peraturan Pemerintah Republik Indonesia Nomor 24 Tahun 1997 tentang Pendaftaran Tanah.*
- Republik Indonesia. (2021). *Peraturan Pemerintah Republik Indonesia Nomor 18 Tahun 2021 tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun, dan Pendaftaran Tanah.*