

The National Land Agency's Efforts in Anticipation and Resolving Disputes Regarding Multiple Land Ownership Certificates

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Abstract. *This study examines the role and efforts of the National Land Agency (BPN) in anticipating and resolving disputes over dual land ownership certificates in Indonesia. Dual certificates are a serious problem in land administration, creating legal uncertainty and potentially triggering social conflict. The research method used is normative juridical with a descriptive analytical approach, focusing on the study of land regulations such as the UUPA, PP No. 24 of 1997, and the Regulation of the Minister of Agrarian Affairs and Spatial Planning/BPN. The results show that the BPN has implemented various preventive measures through an integrated land database system, the PTSL program, and electronic certificates (e-Certificates). In addition, dispute resolution is carried out through mediation, administrative clarification, and litigation at the State Administrative Court (PTUN). However, there is still a need to improve the integrity of the apparatus, procedural transparency, and strengthen the land information system to completely eliminate the practice of dual certificates and realize agrarian legal certainty in Indonesia.*

Keywords: *Agrarian; Disputes; Double Certificates; Land.*

1. Introduction

Land has a very vital position in the life of society, nation and state. Land according to Article 4 paragraph 1 UUPA, which states that on the basis of the state's right to control, various types of rights to the surface of the Earth, and what is called Land, are determined can be given to and owned by individuals and legal entities (Basic Agrarian Law). Land not only serves as a physical space where humans conduct their activities, but also contains profound economic, social, cultural, and political dimensions. In Indonesia, Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) serves as the primary legal basis governing land rights, with the aim of realizing legal certainty over these rights, providing justice

in land ownership and use, and supporting national development. One important instrument in realizing legal certainty is land registration, which produces a land title certificate as valid and strong proof of ownership.

However, in the practice of land registration, complex issues often arise, one of which is disputes over duplicate certificates. These disputes occur when more than one land title certificate is issued for the same plot of land. The existence of duplicate certificates not only creates legal uncertainty for the parties involved but also has the potential to hinder investment, trigger social conflict, and undermine public trust in the land registration system. The complexity of dual title disputes often involves historical aspects of ownership, inaccurate registration procedures, land mafia practices, and the possibility of maladministration in the certificate issuance process. Dual title disputes inevitably lead to legal uncertainty for land rights holders, a highly undesirable aspect of land registration in Indonesia. To prevent these duplicate titles, there is no other way than to optimize land administration and the creation of land registration maps (Ricardo J., 2015).

The National Land Agency, as the government agency authorized to handle land affairs, plays a crucial role in anticipating and resolving disputes over duplicate certificates. As the vanguard of land administration, the BPN is required to have effective mechanisms and strategies to prevent the issuance of duplicate certificates from the very beginning of the land registration process. Preventive measures include increased accuracy in measurement and mapping, accurate data verification, and active community outreach and participation in the land registration process are crucial. In addition to preventative measures, the National Land Agency (BPN) is also responsible for resolving disputes over duplicate land titles that have already arisen. Dispute resolution mechanisms can be pursued through various means, ranging from mediation and conciliation between disputing parties, adjudication by the BPN itself, to litigation in court. The effectiveness of each of these mechanisms is greatly influenced by various factors, including the complexity of the case, the good faith of the parties, and the BPN's ability to facilitate a fair and transparent settlement process. The Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (Permen ATR/BPN), as the implementing regulation of the UUPA, contains more detailed provisions regarding land registration procedures and land dispute resolution, including disputes over duplicate land titles.

Research focusing on the National Land Agency (BPN)'s efforts to anticipate and resolve dual land title disputes is important and relevant. First, understanding the prevention mechanisms implemented by the BPN will provide insight into areas that need to be strengthened and improved. Identifying potential loopholes in the land registration process that could be exploited to illegally issue dual land titles is also crucial. Second, analyzing the various dispute resolution methods employed by the BPN will help identify best practices and the obstacles faced in achieving

equitable and legally certain resolutions. Furthermore, this research will examine the alignment of the National Land Agency's (BPN) efforts to anticipate and resolve dual land title disputes with the mandates contained in the Basic Agrarian Law (UUPA) and its implementing regulations, particularly the Regulation of the Minister of Agrarian Affairs and Spatial Planning/BPN.

This study will analyze the National Land Agency's efforts to anticipate and resolve dual land title disputes. Furthermore, it will examine the legal protection provided to legitimate land title holders in cases of dual title disputes. Therefore, this study is expected to make a significant contribution to efforts to achieve legal certainty regarding land rights in Indonesia through a comprehensive evaluation of the role and efforts of the National Land Agency (BPN) in handling dual title disputes. The results of this study are expected to provide valuable input for the BPN, policymakers, academics, legal practitioners, and the general public in their efforts to create a better and more reliable land administration system.

2. Research Methods

This research uses a normative juridical method with a qualitative descriptive-analytical approach. The research focuses on analyzing legal regulations regarding land registration, prevention, and resolution of dual certificate disputes. This method is used to identify strengths, weaknesses, and ambiguities in applicable laws and regulations. Data analysis is conducted qualitatively, by outlining the relationships between legal norms and assessing the suitability of the National Land Agency (BPN)'s efforts with the applicable legal mandate. This normative juridical approach aims to find coherence between theory and practice and explain gaps in the application of land law. Data are obtained through literature review, by reviewing primary, secondary, and tertiary legal materials such as the UUPA, PP 24 of 1997, the ATR/BPN Ministerial Regulation, and relevant land law literature. All sources are classified according to the research issue to facilitate the analysis process.

3. Results and Discussion

3.1. National Land Agency's Efforts to Anticipate and Resolve Dual Certificate Disputes

Land is a vital asset in social life due to its high social, economic, and legal value. Therefore, clarity regarding land ownership status is crucial to maintaining legal certainty and orderly land administration. The National Land Agency (BPN), the government agency responsible for land affairs, plays a crucial role in ensuring compliance with land administration in Indonesia (Siti Maryam Nasir, 2024). BPN as a government institution that is given the authority to carry out land registration and also guarantee certainty of land rights, BPN also has a very big

responsibility in anticipating, preventing and resolving the problem of double certificates.

Duplicate title deeds are a situation where two or more land title certificates are issued for the same area, either in whole or in part. This situation poses a significant problem in land management because it can lead to ownership disputes, legal uncertainty, and undermine public confidence in the land registration system. If more than one party holds official documents for identical land, the legal resolution process becomes complicated and can lead to protracted disputes (Mohammad Halid Nail Alatas, 2023).

Efforts to prevent and resolve disputes include aspects of regulation, administration, information technology, inter-agency coordination, and public education (Anton Bagus Sasmito, 2022). Due to this, if duplicate certificates are allowed to continue, not only will ownership rights be harmed, but the national land registration system could also be said to be weak (Catherine Virginia, 2024). According to Article 3 letter a of the Regulation of the Minister of ATR/BPN No. 21 of 2020 concerning the Handling and Settlement of Land Cases, every land case, including disputes over double certificates, must be resolved based on the principles of legal certainty and justice. This means that the BPN not only has an obligation to regulate administration, but also to provide fair legal solutions to the disputing parties.

In the context of prevention, the National Land Agency (BPN) has created an Integrated Land Database (GeoKKP) system that facilitates the integration of spatial and textual data. This system functions to detect overlapping land parcel boundaries before issuing new certificates. This method minimizes the potential for duplicate certificates. Furthermore, the National Land Agency (BPN) also applies the latest principles as stipulated in Article 2, letter g, of the Minister of ATR/BPN Regulation No. 17 of 2021 concerning Land Registration. This principle requires regular land data updates to reflect the latest physical and legal conditions on the ground. With this principle, errors caused by old or inappropriate data can be avoided.

Other preventive measures are implemented through the Complete Systematic Land Registration (PTSL) program, which aims to register all land in Indonesia. This program prioritizes participatory methods and the use of digital technology, ensuring each piece of land has a unique identity and is properly recorded. Despite various preventative measures, duplicate certificates still occur. In this situation, the National Land Agency (BPN) plays an active role in resolving disputes by referring to the land case handling procedures stipulated in Ministerial Regulation No. 21 of 2020. This process includes stages such as receiving complaints, examining physical and legal data, providing clarification to related parties, and making administrative decisions.

One of the resolution methods implemented by the National Land Agency (BPN) is mediation. This effort aims to reach an agreement between the parties involved without resorting to litigation. If mediation is successful, the BPN can issue an administrative decision (official ruling) that revokes any certificates proven to have been issued illegally. However, if mediation is unsuccessful and the parties remain in dispute, a resolution can be reached through the State Administrative Court (PTUN). In this situation, the National Land Agency (BPN) can be a defendant or co-defendant if negligence is proven in the issuance of duplicate certificates.

An example of this case can be seen in the Medan Administrative Court Decision Number 48/G/2021/PTUN-MDN, where this case began with the issuance of land title certificates which turned out to be double-issued by the National Land Agency (BPN). The plaintiff filed a lawsuit against the Land Office/Head of BPN as the Defendant because the certificates for the same land had been issued to two different parties, which was deemed to be due to administrative negligence by the BPN in the verification process and certificate issuance procedures. In his lawsuit at the Medan State Administrative Court, the plaintiff requested that the decision to issue the double certificates be declared null and void, and that legal certainty over the land be restored. This research identifies that this case falls into the land category, namely "double certificates" which are an administrative problem/state administrative authority.

In its decision, the Medan State Administrative Court panel of judges considered that the issuance of duplicate certificates by the National Land Agency (BPN) indicated a procedural error that violated the general principles of good governance (AAUPB), such as accuracy and legal certainty. Based on the fact that the BPN did not conduct adequate verification or inspection and did not have sufficient documentation to ensure there was no duplicate registration, the issuance of certificates that issued rights to the same plot of land for two parties was deemed invalid. Therefore, the court decided to declare the decision to issue the duplicate certificates null and void and ordered the Defendant (BPN) to take administrative corrective action, including revoking or canceling the problematic certificates and issuing a decision in accordance with the correct procedure.

This case serves as a concrete example of how administrative issues within land institutions affect legal certainty regarding land and can be brought before the state administrative court. On the one hand, this ruling strengthens the court's position to assess and overturn state administrative decisions resulting from improper procedures and/or violating general principles of good governance. On the other hand, this case demonstrates the importance of reforming the land registration system, such as strengthening the verification process, conducting internal audits at the National Land Agency (BPN), and increasing transparency in certificate issuance, to reduce the likelihood of duplicate issuances and future land disputes. In addition to these legal responsibilities, the National Land Agency

(BPN) also has a moral responsibility to the public. As a public institution, public trust in the BPN's credibility is a crucial factor in building social and economic stability. Therefore, any issues involving duplicate land certificates must be resolved in a transparent and accountable manner.

Efforts to improve the quality of human resources (HR) within the National Land Agency (BPN) are also a primary focus. Training programs related to digital mapping, geographic information systems, and modern land law are ongoing to reduce administrative errors in the land certification process. On the other hand, cooperation between the National Land Agency (BPN) and local governments is crucial. Many cases of duplicate land titles arise from overlapping information between the BPN and other agencies, such as the Spatial Planning Agency or Village Government. By harmonizing data across sectors, the potential for conflict can be reduced (Andrea Injilia Tessalonika Kapahang, 2025).

The implementation of electronic certification (e-Certificate) is also a crucial innovation to prevent duplicate certificates. With this system, each land certificate is equipped with a unique, difficult-to-forge digital code that can be verified online. This policy is part of the National Land Agency's digital advancement towards a more modern and dispute-free public service. Thus, based on the discussion above, it can be concluded that the National Land Agency (BPN) has implemented various preventive and repressive measures to address the issue of duplicate certificates. However, the success of this policy still depends heavily on the integrity of its officials, advances in information technology, and public participation. Going forward, bureaucratic reform and comprehensive digital implementation in the land sector are expected to completely eliminate the practice of duplicate certificates.

3.2. Legal Protection Given to Legitimate Land Rights Holders in Cases of Dual Certificate Disputes

Legal certainty regarding land rights is crucial in Indonesia's land law system. The state guarantees land ownership through a registration procedure, as stipulated in Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA). Through this registration process, landowners receive legal recognition and protection for their land. The legal protection in question aims to provide a sense of security to the public so that their rights are not violated by any party. Land certificates serve as legal proof of ownership of a plot of land. Therefore, the government has a responsibility to guarantee the authenticity and validity of certificates issued through land administration institutions (Boedi Harsono, 2018)

The basic principles underlying legal protection include legal certainty, justice, and utility. Legal certainty requires that a plot of land have only one rights holder and one valid certificate (Maria SW Sumardjono, 2017). The UUPA and Government Regulation No. 24 of 1997 concerning Land Registration (PP 24/1997) stipulate

that the issuance of a land certificate constitutes valid proof of title. This means that, as long as there is no evidence to the contrary, the certificate is considered valid, and its holder is protected by law (Nuraini, 2021).

In the event of duplicate certificates, legal protection for legitimate rights holders can be achieved through administrative and legal processes. Administratively, rights holders can file a protest with the land office to request a re-examination of the physical and legal data of the land in question. This inspection mechanism is a preventative measure to prevent further errors in the certificate issuance process. It also serves as a way to correct errors made by land officials in issuing duplicate certificates (Hermanto, 2020).

In addition to preventative measures, legal protection is also enforced repressively if disputes cannot be resolved administratively. Legitimate rights holders can take legal action to clarify their ownership status and revoke other certificates deemed invalid. The government, through the National Land Agency (BPN), is responsible for ensuring that every certificate issued is based on valid law and data. If errors occur during the issuance process, land officials can be held administratively or even criminally liable (Wulandari, 2020).

Legal protection for legitimate rights holders is also closely related to the principle of prudence in the land registration process. Every stage, from measurement and mapping to certificate issuance, must be conducted transparently, accurately, and responsibly. As legal entities, communities also play a crucial role in upholding legal certainty. Before conducting a land sale or transfer, communities should check the land status at the land office to ensure there are no overlapping certificates.

Duplicate certificate issuance can erode public trust in land institutions if not handled fairly and promptly. Therefore, improving the integrity and professionalism of land officials is crucial in providing legal protection to legitimate rights holders. The government has implemented various corrective measures, such as digitizing land data, remapping land parcels, and implementing an integrated land information system. These measures are intended to prevent the issuance of duplicate certificates in the future.

In the context of substantive legal protection, legitimate rights holders receive protection based on legitimate ownership and good faith. The law does not provide protection to parties who obtain certificates through unlawful means or administrative manipulation. Legal protection is provided not only when a dispute arises, but also from the very beginning of the registration process. Each applicant is required to complete and prepare documents proving their rights and undergo field verification. This process serves as the basis for ensuring clarity regarding land rights.

Furthermore, the state is obligated to provide compensation or restore rights to legitimate rights holders if government error is proven in the certificate issuance process. This is a form of state responsibility for the negligence of its officials. Legal protection can also include providing mediation or facilitation for non-litigation dispute resolution in the land sector. This method is considered faster and more effective than resolving disputes through the courts.

In the long term, successful legal protection for legitimate rights holders will increase public confidence in the country's national land system. Clarity and certainty of land ownership status will also support a climate of investment and sustainable development. Therefore, legal protection for legitimate land rights holders in cases of dual title disputes requires a comprehensive approach, encompassing preventative measures, law enforcement, and rights restoration. Cooperation between the government, land officials, and the community is crucial for achieving certainty and justice in land tenure in Indonesia.

4. Conclusion

The National Land Agency (BPN) plays a crucial role in ensuring legal certainty over land ownership rights in Indonesia by preventing and resolving disputes over duplicate certificates. Preventive measures are implemented through the use of technologies such as GeoKKP, advanced principles, and the PTSL program to minimize administrative errors. Meanwhile, repressive resolution is pursued through mediation and legal proceedings at the State Administrative Court (PTUN) in the event of administrative negligence. Legal protection for legitimate rights holders is regulated through administrative and legal mechanisms to ensure land rights remain protected. Although the BPN has implemented various innovations and reforms, the main challenges remain in consistent implementation, increasing the professionalism of its apparatus, and inter-agency coordination. Comprehensive land digitalization reform is expected to eliminate the practice of duplicate certificates and strengthen public trust in the national land administration system.

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