

## Analysis of Land Dispute Resolution Due to Dual Certificates in Indonesia (Study of Supreme Court Decision Number 217/PDT/2021/PT KPG)

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**Abstract.** *This study discusses the resolution of land disputes resulting from duplicate certificates using a case study of Supreme Court Decision Number 217/PDT/2021/PT KPG. The main issues examined include the causes of the duplicate certificates, the validity of each certificate according to the Basic Agrarian Law (UUPA), and their implications for legal protection for legitimate certificate owners. The research method used is normative juridical with a statutory and case-based approach. The results show that the duplicate certificates arose due to administrative and measurement errors by the Ende Regency Land Agency (BPN), which resulted in an overlap between Land Ownership Certificate Number 153 in the name of Asnah Achmad and Number 658 in the name of Muhamad Adolf Sir. The Supreme Court ruled that the certificate issued earlier has valid legal force. This decision strengthens the principles of legal certainty, justice, and the state's responsibility in providing legal protection for legitimate land owners, and serves as a basis for improving the land administration system in Indonesia.*

**Keywords:** *Certainty; Dual Certificates; Protection.*

### 1. Introduction

The Indonesian government has established a national land law system through Law No. 5 of 1960 concerning Basic Agrarian Regulations (UUPA) (Wangi, NKPSS, Dantes, KF, & Sudiarmaka, K., 2023). Land is part of the earth based on Article 4 paragraph 1 of the Basic Agrarian Law which states "On the basis of the State's right to control as referred to in Article 2, it is determined that there are various kinds of rights to the surface of the earth, called land,

which can be given to and owned by people, either alone or together with other people and legal entities (Sari, I., 2017)."

As an operational basis, the government issued Government Regulation Number 24 of 1997 concerning Land Registration. This regulation aims to create an orderly, transparent, and reliable land administration system (Lumenta, Al, 2018). The culmination of the land registration process is the issuance of a certificate, which according to Indonesian agrarian law functions as a strong means of proof of the physical and legal data listed therein. (Dewi, AS, 2018). With a certificate, it is hoped that rights holders can gain peace of mind and security in controlling, using and carrying out legal actions on their land.

Land certificates are one of the most important legal documents for recognizing land rights in Indonesia. They serve as legal proof of ownership and provide legal certainty for their owners. The emergence of duplicate certificates poses a problem that can threaten legal certainty. Duplicate certificates can occur when two certificates are issued for the same plot of land. Causes include administrative errors, data inaccuracies, and land mafia practices (Ramadhani, R., 2021).

Duplicate certificates are in stark contrast to the principles of clarity and legal certainty as mandated by Law No. 5 of 1960 concerning Basic Agrarian Regulations (UUPA). The Basic Agrarian Law emphasizes that land registration aims to provide legal certainty over land rights, thereby minimizing conflicts. The reality on the ground shows that this function has not been fully achieved, as overlapping rights often occur due to duplicate certificates. This problem not only impacts individual rights holders but also disrupts social stability and economic growth, particularly in the agrarian and property sectors (Sigit, AP, & Koeswarni, E., 2021).

In addition to land conflicts, these issues can arise from weaknesses in Indonesia's land administration and legal systems. Land certificates issued by the National Land Agency do not always reflect actual conditions on the ground. This can occur due to inadequate measurement, registration, and certificate issuance processes or the failure to involve all relevant parties in the field. As a result, the land boundaries listed on the certificates do not correspond to the physical conditions on the ground, leading to legal uncertainty and difficult-to-resolve disputes (Bimantara, A. (2025).

Duplicate land titles are extremely detrimental to the parties involved in the dispute. Legitimate landowners face a highly uncertain legal situation, where their ownership rights could be lost or compromised. The lengthy and costly

dispute resolution process, whether through judicial or non-judicial channels, often costs them significant energy, time, and funds. More broadly, this phenomenon undermines public trust in the National Land Agency as the authorized institution for land administration. Furthermore, it potentially disrupts the investment climate, as investors require legal certainty over the land they intend to use for their businesses (Hasan, SY, Dungga, WA, & Imran, SY, 2023).

One of the land dispute cases is the case of dual certificates contained in Decision Number 217/PDT/2021/PT KPG. This case began with a dispute over land ownership at Jalan Ahmad Yani Number 18, RT 004/RW 002, Kelimutu Village, Ende Tengah District, Ende Regency, with an area of approximately 177 m<sup>2</sup>. The dispute arose because there were two different land ownership certificates for the land object, namely Land Ownership Certificate Number 153 in the name of Asnah Achmad (wife of the Plaintiff/Appellee) and Land Ownership Certificate Number 658 in the name of Muhamad Adolf Sir (husband of the Defendant/Appellant). This dual certificate condition gave rise to conflicting ownership claims, which resulted in a civil lawsuit at the Ende District Court and then continued to the Kupang High Court.

In this study, the author aims to examine in-depth the mechanisms for resolving land disputes arising from dual land titles, focusing on Supreme Court Decision No. 217/PDT/2021/PT KPG as a case study representing the highest legal patterns and considerations in Indonesia. The primary focus of this study is to determine how the Supreme Court decision provides legal certainty for disputing parties, including the legal implications for dual land titles and the administrative responsibilities of the National Land Agency (BPN) in managing these issues. Furthermore, this study also examines how relevant laws and regulations are applied by the judiciary in resolving land ownership conflicts arising from dual land titles.

## **2. Research Methods**

The type of research used in this study is normative juridical. Normative juridical research is conducted by examining written legal materials that include legislation, doctrine, legal literature, and court decisions. In the context of this land dispute, the research focuses on an analysis of applicable positive law, such as the Basic Agrarian Law, Government Regulation Number 24 of 1997 concerning Land Registration, and Supreme Court jurisprudence regarding dual certificates. Normative juridical research was chosen because the issues studied are related to the validity of land ownership rights and the evidentiary power of ownership certificates, the resolution of which refers to applicable legal norms and legal principles.

The problem-solving approach used in this research encompasses several complementary legal approaches. A statute approach is used, examining provisions related to land law, such as the Basic Agrarian Law No. 5 of 1960, Government Regulation Number 24 of 1997 concerning Land Registration, and the Civil Code (KUHPerdota), which regulates unlawful acts. This approach is essential for understanding the legal basis for land ownership, land registration, and the validity of certificates.

### **3.Result and Discussion**

#### **3.1. The Cause of Duplicate Certificates in Land Dispute Cases in Supreme Court Decision Number 217/PDT/2021/PT KPG**

The cause of the emergence of duplicate certificates in the land dispute case in Supreme Court Decision Number 217/PDT/2021/PT KPG originated from administrative and technical errors made by the National Land Agency (BPN) of Ende Regency during the process of measuring and issuing land certificates. In this case, the dispute arose between Asnah Achmad (the plaintiff's wife) as the holder of the Freehold Certificate (SHM) Number 153, and Muhamad Adolf Sir (the defendant's husband) as the holder of the Freehold Certificate Number 658. Both certificates turned out to show the same plot of land, resulting in a double certificate for an identical portion of the land.

The problem began when the Ende Regency Land Agency (BPN) inaccurately measured Asnah Achmad's land. According to the Inheritance Distribution Letter, which served as the basis for the certificate application, the land area should be 2,462.89 square meters. However, when the BPN measured it, the result was 2,625 square meters, resulting in an excess area of approximately 162.11 square meters. This excess measurement was the root of the problem because some of the land that was not included in the inheritance was the remaining land still owned by Mrs. Basse Achmad, Asnah Achmad's mother. The remaining land was then sold by Mrs. Basse Achmad to Muhamad Adolf Sir, who then certified the land as SHM Number 658 of 1991.

As a result of the measurement error, part of the land that had been sold to the Defendant by Mrs. Basse Achmad was actually included in the land area that had been certified in the name of Asnah Achmad. In other words, two different certificates were issued for part of the same land, which gave rise to overlapping ownership and became the source of legal disputes. This error was further exacerbated by the negligence of the National Land Agency (BPN) in not carefully verifying and matching the land title data, and not checking the actual land boundaries in the field before issuing the certificates. In addition, the BPN also failed to confirm the origin of the plot (land plot) of the

two certificates, even though both SHM No. 153 and SHM No. 658 originated from the separation of Freehold Certificate No. 60.

The Panel of Judges emphasized that ideally, one plot of land may only be registered under one certificate, as stipulated in Article 1 number 20 of Government Regulation Number 24 of 1997 concerning Land Registration. The Judges also cited several Supreme Court jurisprudence, such as Decision Number 976K/Pdt/2015 and Decision Number 170 K/Pdt/2017, which emphasized that if there are multiple certificates for one plot of land, the certificate issued first has stronger legal force. Therefore, in this case, the Panel of Judges decided that the Land Ownership Certificate Number 153 in the name of Asnah Achmad is a valid certificate and has stronger legal force, while Certificate Number 658 in the name of Muhamad Adolf Sir was declared invalid and cannot be used as a basis for legal action.

### **3.2. The Validity of Duplicate Certificates for Disputed Land Objects in Supreme Court Decision Number 217/PDT/2021/PT**

Based on Article 19 paragraph (2) letter c of the Basic Agrarian Law, a land certificate is a strong means of proving ownership of land rights as long as it cannot be proven otherwise. The certificate functions as authentic evidence that guarantees legal certainty for the rights holder. However, in reality, as stated in the judge's considerations, there are often cases of double certificates being issued for the same plot of land, due to administrative negligence or technical errors on the part of the National Land Agency (BPN). In this case, both Asnah Achmad and Muhamad Adolf Sir both have certificates issued based on the same parent land title, namely Certificate of Ownership Number 60 of 1981, resulting in overlapping ownership of some plots of land.

The Panel of Judges cited legal principles from various Supreme Court jurisprudence, such as Decision Number 976K/Pdt/2015, Decision Number 290 K/Pdt/2016, and Decision Number 170 K/Pdt/2017, which consistently state that: "If there are two or more certificates for the same land, then the certificate that is valid and has legal force is the certificate that was issued first."

Based on this principle, the Supreme Court in this case confirmed that the Certificate of Ownership Number 153 in the name of Asnah Achmad which was issued first is the strongest and most legally valid proof of rights, while the Certificate of Ownership Number 658 in the name of Muhamad Adolf Sir was declared to have no legal force and cannot be used as a basis for any legal action, whether for control, transfer, or debt guarantee.

The judge considered that because Certificate Number 153 was issued first based on valid inheritance rights and recorded in accordance with land registration provisions, the certificate remains valid and legally binding, while the second certificate (Number 658) must be declared null and void. The validity of multiple certificates is determined by the order of issuance and the valid basis of rights. In this case, Certificate of Ownership Number 153 in the name of Asnah Achmad is recognized as valid and has permanent legal force, while Certificate of Ownership Number 658 in the name of Muhamad Adolf Sir is invalid because it was issued later for the same land object.

### **3.3. Implications of Supreme Court Decision Number 217/PDT/2021/PT KPG on Legal Protection for Legitimate Land Certificate Owners**

The implications of Supreme Court Decision No. 217/PDT/2021/PT KPG on legal protection for legitimate land certificate holders not only impact the recognition of ownership rights but also expand the scope of responsibility of state institutions in ensuring substantive justice in the land sector. This decision strengthens the legal position of legitimate certificate holders by positioning them as parties who must be actively protected by the state when administrative errors occur that give rise to overlapping rights. This means that legitimate certificate holders receive not only passive protection in the form of rights recognition but also active protection in the form of state responsibility to restore the legal and administrative conditions disrupted by the negligence of land officials.

The implications of this ruling also strengthen the principles of legal certainty and justice in agrarian law. The judge ruled that a certificate issued earlier based on a valid legal basis and appropriate measurement must be recognized as evidence of ownership protected by law. This principle serves as an important guideline for courts and land agencies in handling similar cases, ensuring that no party is disadvantaged due to administrative negligence. With this decision, the Supreme Court sends a strong signal that the issuance of duplicate certificates does not invalidate legitimate ownership rights, and only the first certificate that meets the legal requirements is recognized as valid.

Another implication is the affirmation of the principle of state liability in the context of public services in the agrarian sector. This ruling affirms that if duplicate certificates occur due to administrative errors, the injured party, namely the legitimate certificate owner, has grounds to demand restoration of rights and compensation from the state or authorized institution. This aligns with Law No. 30 of 2014 concerning State Administration, which requires the government to be responsible for erroneous administrative decisions. Thus, this Supreme Court ruling expands legal protection beyond



simply recognizing ownership rights to comprehensively protecting the legal interests of landowners.

In addition to providing legal protection for legitimate certificate holders, this ruling also has important implications for the responsibility and professionalism of the National Land Agency (BPN). The Supreme Court indirectly admonished the BPN to be more careful in exercising its authority, particularly in the process of measuring, verifying physical and legal data, and determining land boundaries. The BPN is required to ensure that before issuing new certificates, a thorough check of plot maps, land records, and ownership history is carried out to prevent duplicate issuances. Thus, this ruling serves as corrective jurisprudence to strengthen land governance in Indonesia, making it more transparent and accountable.

This ruling has a positive impact on public trust in the national land certification system. Many people have been concerned about uncertain land ownership due to weak land administration and the widespread issuance of duplicate certificates. With this ruling, the public gains certainty that the law favors those with legitimate rights based on proper procedures. This can increase public confidence in officially registering their land, which in turn encourages orderly national land administration as mandated by the Basic Agrarian Law and Government Regulation No. 24 of 1997 concerning Land Registration.

#### **4. Conclusion**

The cause of the emergence of duplicate certificates in the land dispute case was administrative and technical negligence by the National Land Agency (BPN) of Ende Regency in measuring and recording physical and legal data. Inaccurate measurements resulted in excess land area and overlapping certificates for the same land object. Based on the Basic Agrarian Law (UUPA) and Government Regulation Number 24 of 1997, the validity of land certificates is determined by the order of issuance and the legal basis of the right. Therefore, the Land Ownership Certificate Number 153 in the name of Asnah Achmad, which was issued earlier, was declared valid and has permanent legal force, while the Land Ownership Certificate Number 658 in the name of Muhamad Adolf Sir was declared invalid. The legal implications of this decision emphasize the importance of legal protection for legitimate certificate owners, while also strengthening the state's responsibility in ensuring orderly land administration. This decision serves as important jurisprudence for judicial institutions and the BPN in handling similar cases so that no more people are harmed due to bureaucratic errors.

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