

## Legal Protection for Legitimate Owners in Disputes Over Dual Certificate Ownership Due to Unlawful Acts

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**Abstract.** *This study aims to analyze the legal protection provided to legitimate owners in dealing with disputes over ownership of duplicate certificates and the legal remedies that can be taken in response to such unlawful acts. The research approach uses a normative juridical method by reviewing laws and regulations, court decisions, and related legal literature. The analysis refers to several key regulations, namely Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), which regulates land ownership rights and dispute resolution mechanisms; Law Number 4 of 1996 concerning Mortgage Rights; and Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. In addition, legal protection is also based on the provisions of the Civil Code (KUHPerdata), specifically regarding unlawful acts (Article 1365 of the KUHPerdata), which allows legitimate owners to file lawsuits for compensation and cancellation of duplicate certificates. The results of the study indicate that legal protection for legitimate owners still faces obstacles such as complex land administration bureaucracy and the potential for corruption, as well as weak coordination between relevant institutions. Therefore, it is necessary to strengthen legal mechanisms by increasing transparency and accuracy in land administration, as well as strict law enforcement against unlawful acts that result in the issuance of duplicate certificates. Legitimate owners can pursue civil and criminal legal remedies, including filing lawsuits for unlawful acts, to obtain legal certainty and restitution of their rights. This study provides strategic recommendations for the government and relevant institutions in improving the land administration system and strengthening legal protection to achieve justice for legitimate landowners and reduce duplicate certificate disputes in Indonesia.*

**Keywords:** *Disputes; Dual Certificates; Legal Protection.*

## 1. Introduction

As mandated by the constitution as stipulated in Article 28 D paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), every person has the right to recognition, guarantee, protection, and fair legal certainty as well as equal treatment before the law. The provision of fair legal certainty also includes legal certainty regarding land rights for all people. In addition to Article 28D of the 1945 UUD NRI mentioned above, the constitution also stipulates that the earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people (Article 33 paragraph (3) of the 1945 UUD NRI). To implement this constitutional mandate, Law Number 5 of 1960 concerning the Basic Principles of Agrarian Law (UUPA) was born. UUPA is a major breakthrough and a fundamental change to land law in Indonesia.<sup>1</sup>In its implementation, the UUPA serves as the basis or reference for regulating land law in Indonesia. One of the government's efforts to improve public welfare is by providing services related to land registration and certification. As mandated in Article 19 of Law Number 5 of 1960 concerning Basic Regulations, Basic Agrarian Law (hereinafter referred to as the Basic Agrarian Law, written as UUPA), that in order to provide legal certainty regarding land rights, UUPA mandates the government to organize land registration.<sup>2</sup>

Land registration in Indonesia was then regulated in Government Regulation Number 10 of 1961, concerning Land Registration which was later amended by Government Regulation Number 24 of 1997 concerning Land Registration, where in Article 3 it is emphasized that the purpose of land registration is to provide legal certainty and legal protection to the holder of rights to a plot of land, apartment units and other registered rights so that they can easily prove themselves as the holder of the rights concerned, to provide information to interested parties including the government so that they can easily obtain the data needed to carry out legal actions regarding plots of land and apartment units that have been registered, to ensure orderly land administration.<sup>3</sup> The event was held proper land registration is the basis and manifestation of orderly administration in the land sector and to avoid claims of dual ownership rights. RightDual ownership refers to a situation where two or more parties have claims or rights to the same property or asset, whether it be land, a building, or other goods. In a legal context, this dual ownership can arise for several reasons, both legitimate and the result of administrative errors. Errors in registration at authorized institutions, such as land offices, can result in a single asset (e.g., land or property) being registered twice with different owners. This can occur due to inaccurate registration, for example,

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<sup>1</sup>Boedi Harsono, (2008), *Hukum Agraria Indonesia: Sejarah Pembentukan UUPA, Isi dan Pelaksanaannya*, Jakarta : Djambatan, p. 9.

<sup>2</sup>Arizona, Yance, (2011), Perkembangan Konstitusionalitas Penguasaan Negara Atas Sumber Daya Alam dalam Putusan Mahkamah Konstitusi, *Jurnal Konstitusi*, Vol. 8, No. 3, p. 1

<sup>3</sup>Prasetyo Aryo Dewandaru, (2020), Penyelesaian Sengketa Tanah Terhadap Sertifikat Ganda Di Badan Pertanahan Nasional, *Jurnal Notarius*, Volume 13 Nomor 1, p. 155.

if outdated data is not properly deleted or updated. In some cases, individuals may misuse forged documents or ownership certificates to claim rights to property already owned by someone else.<sup>4</sup>

This can create invalid dual ownership rights. Dual ownership can arise in situations where property is inherited by more than one heir without a clear division. This can lead to multiple parties claiming rights to the same property. If a property is sold more than once without clear records or without confirming the previous ownership status, this can result in a claim of dual ownership rights.<sup>5</sup> Multiple ownership certificates are a serious issue that can be detrimental to all parties involved. Therefore, it is crucial to always ensure the validity of property certificates and conduct transactions carefully and in accordance with proper procedures. In the Indonesian context, land certificates are issued by the National Land Agency (BPN), which ensures that land ownership and status are clearly recorded. If there is an error in the registration process at the BPN, for example, when two different individuals purchase the same property without deleting the old records, two certificates may be issued for that property.<sup>6</sup> This often occurs when changes in status or ownership of a property are not properly updated. Certificate forgery can occur when one party applies for a new certificate using forged documents, or uses existing information to obtain a legally valid certificate. This can result in the emergence of two certificates for the same property. If a property is inherited to several heirs and the inheritance process is not carried out properly, several certificates can appear that record different owners for the same property.<sup>7</sup>

Multiple ownership is not common, although it can occur in some cases. Generally, multiple ownership is a serious and undesirable issue, whether in the context of property, assets, or even shares. While there are several reasons why multiple ownership can occur (such as administrative errors, forged documents, or errors in the transaction process), it should not be considered commonplace. The rightful owner must prove their ownership through clear legal evidence, which can lead to lengthy court battles.<sup>8</sup> Before for the issuance of SHM, the land must first be registered with the BPN. This registration process involves checking the legality and status of the land owned by the applicant. The applicant (either an individual or a legal entity) submits an application for the issuance of SHM to the BPN by

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<sup>4</sup>Loudri Oktavio Widiyanto, Prinsip Kepastian Hukum Terhadap Sertipikat Ganda Hak Atas Tanah Sebagai Hak Milik, *Skripsi Fakultas Hukum Universitas Jember*, p. 11.

<sup>5</sup>Maria S.W. Sumardjono, (2008), *Tanah dalam Perspektif Hak Ekonomi, Sosial, dan Budaya*, Jakarta : Kompas, p. 57

<sup>6</sup>Yulia Mirwati, (2017), Sertifikat Ganda Hak Atas Tanah dan Penyelesaiannya, *Jurnal Ilmu Hukum*, Vol. 8 No. 1, p. 45.

<sup>7</sup>Agus Salim, (2019), Penyelesaian Sengketa Hukum Terhadap Pemegang Sertifikat Hak Milik Dengan Adanya Penerbitan Sertifikat Ganda, *Jurnal USM Law Review*, Volume 2, Nomor 2, p. 182.

<sup>8</sup> Adrian Sutedi, (2006), *Peralihan Hak Atas Tanah dan Pendaftarannya*, Jakarta : Sinar Grafika, p. 91.

attaching supporting documents, such as a sales and purchase agreement, proof of tax payments, and proof of land legality. The BPN will verify and physically measure the land to ensure that the boundaries of the land are in accordance with the submitted documents.<sup>9</sup> Multiple ownership rights are not uncommon and are a serious problem in the property world, leading to legal disputes and financial losses. One of the main causes is errors in the land administration system managed by the National Land Agency (BPN) or other relevant institutions. For example, if land already owned by one person is suddenly re-registered by another party without proper updates. This can occur due to errors in recording, measuring, or data management. If, through legal proceedings, the court decides that one of the certificates is invalid (for example, due to forgery or administrative error), then the rightful owner, based on the court's decision, will obtain absolute rights to the land. The rightful owner recognized by the court will have the right to use, transfer, or perform other actions on the land.

## **2. Research Methods**

This type of research falls within the scope of normative legal research. The approach used is a statute approach. The data used is secondary data, primarily literature review. The analysis is prescriptive in nature.

## **3. Results and Discussion**

### **3.1. Mechanism for Resolving Disputes Regarding Dual Certificate Ownership Due to Unlawful Acts**

Duplicate certificate disputes occur when two or more land certificates are issued for the same land, with different rights holders. In this context, unlawful acts can be committed by the certificate applicant, land officials, or other parties who intentionally or negligently cause the issuance of duplicate certificates. Resolving these disputes requires appropriate legal mechanisms to restore the rights of legitimate owners and prosecute unlawful acts. Some common causes leading to Duplicate Certificate Disputes include:

1. Forgery of legal documents (e.g. fake sales and purchase agreements, fictitious inheritance deeds).
2. Submission of certificate application by unauthorized party.
3. Negligence or deliberate acts of BPN officers in the registration process.
4. Abuse of authority or administrative conflict between agencies.

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<sup>9</sup>D. Anatami, (2017), Tanggung Jawab Siapa, Bila Terjadi Sertifikat Ganda Atas Sebidang Tanah, *Jurnal Hukum Samudra Keadilan*, Volume 12 Nomor 1, p. 14

The mechanism for resolving disputes over duplicate certificates can be pursued through two main channels:

#### 1. Settlement Through Administrative Routes

This is done if the dispute can still be resolved through the land agency (BPN).

##### a. Complaints to the Land Office/BPN

1) Parties who feel they have been harmed can submit a written complaint to the BPN office.

2) BPN will conduct administrative checks and document verification.

##### b. Field Inspection and Clarification

1) Carried out by the BPN team together with sub-district/village officials and related parties.

2) The aim is to ensure physical and historical ownership of the land.

##### c. Issuance of Certificate Cancellation Decision

If an administrative error or invalid publication is found, then:

1) The BPN can propose the cancellation of the certificate to the Minister of ATR/BPN based on the Minister of ATR/BPN Regulation No. 21 of 2020.

2) Certificates that are proven to be defective will be declared invalid.

3) Note: Administrative channels cannot revoke a certificate disputed through the courts. Once the dispute has reached the legal realm, only the courts have the authority to decide.

#### 2. Settlement Through Judicial Routes

If the dispute cannot be resolved administratively, or if an unlawful act has occurred that is detrimental to another party, then the resolution is carried out through legal channels:

##### a. Civil Lawsuit in District Court

1) The injured party can file a lawsuit for unlawful acts (PMH) based on Article 1365 of the Civil Code.

2) General demands include:

a) Recognition as the legal owner of the land.

b) Cancellation of duplicate certificates.

c) Compensation for material and/or immaterial losses.

##### b. Lawsuit to the State Administrative Court (PTUN)

1) If the object of the dispute is a decision of a TUN official (for example the issuance of a certificate), then a lawsuit can be submitted to the PTUN.

2) The goal: to cancel BPN administrative decisions that violate procedures or harm the rights of other parties.

##### c. Criminal Report to the Police (If There Are Criminal Elements)

- 1) If any indication of forgery, embezzlement or fraud is found, the injured party can report it to the local police or regional police.
- 2) Investigators will carry out legal proceedings based on the Criminal Code and Law No. 1 of 2023.

Land ownership in Indonesia itself, if traced from its history, is divided into two periods, namely land ownership before and after the enactment of the Basic Agrarian Law (UUPA). Land ownership in the period before the enactment of the UUPA gave rise to a dualism of law governing land in Indonesia, on one hand, the Dutch colonial land law or which adhered to the Western Civil Law system was in effect and on the other hand, the Customary Law system applied which applied to native communities which did not have written evidence, which was often called customary land or ulayat land. Then, in the period after the enactment of Law Number 5 of 1960 concerning Basic Agrarian Regulations, the dualism of land law in Indonesia ended and land law in Indonesia experienced standardization. Certainly, this UUPA provided a major change in land regulations in Indonesia which were very complex before the enactment of the UUPA.<sup>10</sup>

In legal science, the principle of legal certainty, or *rechtmatigheid*, is known. This principle exists in a state governed by the rule of law, which establishes laws and statutory provisions as the basis for all policies and actions in every field. In other words, the principle of legal certainty guarantees that a law must be implemented properly and appropriately. In essence, the primary purpose of law is certainty.<sup>11</sup>

Basically, every land ownership has legal force in it, both legal force regarding land ownership rights and legal protection regarding the legal owner regarding land disputes owned. In the provisions of Government Regulation Number 24 of 1997 Article (3) explains that a land registration aims to provide guarantees of legal certainty and protection in the land sector. What is meant by land registration can be seen in Article 1 number (1) of Government Regulation Number 24 of 1997 which explains that<sup>8</sup> "Land registration is a series of activities carried out by the Government continuously, continuously and regularly, including the collection, processing, bookkeeping, and presentation as well as maintenance of physical data and legal data, in the form of maps and lists, regarding land plots and apartment units, including the provision of certificates of proof of rights for land plots for which rights already exist and ownership rights to apartment units and certain rights that burden them."

In Article 32 paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Registration, it has guaranteed protection for a person whose

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<sup>10</sup>Ujang Abdulah, (2009), *Upaya Administrasi Dalam Peradilan Tata Usaha Negara, Jurnal PTUN Palembang*, p. 3

<sup>11</sup>Ermawan Suparman, (2009), *Kitab Undang-Undang PTUN (Peradilan Tata Usaha Negara)*, Bandung : Fokusmedia, p. 1

name has been listed in a certificate, a lawsuit can be filed by another party who has rights to the land after 5 years, where the status of ownership of the land rights will continue to be protected, as long as the land is obtained in good faith and is actually controlled by the holder of the land rights concerned. If we look at these provisions, there are several possibilities for disturbances to arise from parties who feel they have rights to the land or parties who feel disadvantaged by submitting an objection to the local Land Office and to the holder of the land rights certificate if the issuance of the certificate has not reached 5 (five) years. The problem that often arises in national land law is that duplicate land certificates are often found, which based on the formulation of Article 32 paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Procurement can result in losses to land buyers who have good intentions.<sup>12</sup>

In this case, the government, or more precisely the National Land Agency (BPN), provides preventive protection, which aims to prevent violations before they occur. One way is by issuing the UUPA (Badan Agrarian Law), PP (Government Regulation), and other regulations governing land registration. The issuance of regulations regarding land registration is expected to realize the purpose of land registration itself. The role of a judge in conducting examinations and ensuring the truth and information contained in the certificate is also considered necessary. In this case, the judge is required to prove, analyze, and conduct an examination regarding the origin of the certificate. A person submitting an application for land rights registration must be investigated to determine whether the person has legally obtained the rights to the land from the authorized party in land administration or vice versa. Thus, if a land dispute arises, it can be determined which party is entitled as the legal owner of the land certificate and that party will also obtain legal certainty from ownership of the land rights certificate.<sup>13</sup>

Generally, the general public assumes that disputes, in this case land disputes, can only be resolved through the courts, often referred to as litigation. However, they often forget or are unaware of the existence of non-litigation dispute resolution methods. Broadly speaking, dispute resolution can be divided into two categories: litigation, or non-litigation, and non-litigation, or alternative dispute resolution.<sup>14</sup>

Regarding dispute resolution through the courts or litigation, the party who feels they have been wronged can file a lawsuit through the District Court or the State Administrative Court (PTUN) with relative competence according to where the

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<sup>12</sup>Satjipto Raharjo, (2016), *Penyelenggaraan Keadilan Dalam Masyarakat yang sedang Berubah. Jurnal Masalah Hukum*, Volume 5, p. 74

<sup>13</sup>CST Kansil. (1989), *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*, Jakarta : Balai Pustaka, p. 102

<sup>14</sup>Shidarta, (2006), *Hukum Perlindungan Konsumen Indonesia*, Jakarta : PT Grasindo, p.61



object of the dispute is located. Meanwhile, for land dispute resolution through non-litigation channels, it can be further divided into 4 (four), namely through:

1. Negotiation, which is a resolution method that is often carried out first when a dispute occurs, where the parties meet without an intermediary.
2. Mediation is defined as a form of dispute resolution in which the parties are assisted by a neutral third party acting as a mediator. In land disputes, the National Land Agency (BPN) can act as a mediator as part of its responsibility to issue land title certificates.
3. Conciliation is a continuation of mediation, but the difference is that the third party, the conciliator, plays a more active role. This allows them to seek solutions to present to the disputing parties. If the parties agree, the solution proposed by the conciliator becomes the resolution.<sup>15</sup>
4. Arbitration, the meaning of which has been explained in Article 1 paragraph (1) of Law Number 30 of 1999, which in essence states that arbitration is a dispute resolution process assisted by an arbitrator who has been agreed upon by the disputing parties for the purposes of dispute resolution.

One of the ways in which the judiciary can be exercised for those seeking justice is through this public court. The subject of a contentious lawsuit is a party whose rights have been diminished or who feels aggrieved by another party and files a lawsuit, thus becoming the plaintiff and having an opponent to be brought in as the defendant. Third, a class action lawsuit, in which the plaintiff is filed by one or more individuals acting as a group, so that the plaintiff's actions are not limited to the actions or lawsuits filed in his or her own name, but also involve several legal subjects or other parties.<sup>16</sup>

In disputes over double land certificates, a contentious lawsuit is generally filed because the subject of the lawsuit is more about the party who feels that he has been harmed because he feels that he has owned a plot of land with a certificate that has been legally issued by an institution that has the authority to issue a land title certificate, which is the National Land Agency (BPN).

The party who feels he has been harmed will file a contentiosa lawsuit to the court according to its relative competence. So, what will be explained further is regarding the contentiosa lawsuit or civil lawsuit in the dispute over double land certificates in connection with one of the District Court decisions that has permanent legal force regarding the dispute over double land certificates, namely Decision Number 18 / Pdt.G / 2018 / PN / Nab. In practice, this contentiosa lawsuit is often called a civil lawsuit or lawsuit. The case in Decision Number 18 / Pdt.G / 2018 / PN Nab is that the Plaintiff is the owner of two adjacent plots of land with

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<sup>15</sup>Shidarta, (2006), *Moralitas Profesi Hukum Suatu Tawaran Kerangka Berfikir*, Bandung : PT Revika Aditama, p. 82-83

<sup>16</sup>Urip Santoso, (2009), *Hukum Agraria dan hak-Hak Atas Tanah*, Jakarta : Kencana, p. 1.



evidence namely Certificate of Ownership number 1035, covering an area of 1,568 m<sup>2</sup>, and certificate of ownership no. 1033 covering an area of 1277 m<sup>2</sup>, where the land object is located on Jalan Frans Kaisiepo, Nabarua Village, Nabire District, Nabire Regency with their respective boundaries. Then, Defendant I took control and/or carried out activities to build a house on land legally owned by the Plaintiff and this is an unlawful act. Similarly, Defendant II, he and Defendant I committed an unlawful act by claiming and preventing the Plaintiff from carrying out activities on his own land. The Plaintiff has attempted to resolve this dispute through negotiation but to no avail so the Plaintiff decided to file a lawsuit with the Nabire District Court.

Furthermore, when filing a lawsuit, you must include the claim, which will be formulated in a main claim (*petitum*). Claims can be divided into two types: the main claim (primary) and a substitute claim (subsidiary) if the main claim is rejected by the judge.<sup>17</sup> The main demands demanded by the Plaintiff in this case are for the Panel of Judges to declare that the Plaintiff is the legitimate owner of the land with evidence in the form of 2 (two) certificates of ownership at the disputed land location. Then, to order Defendant I and Defendant II to vacate and return the Plaintiff's land to its original condition, to order Defendant I and Defendant II not to carry out any form of activity on the Plaintiff's land, to sentence Defendant I and Defendant II to pay compensation to the Plaintiff in the amount of Rp. 1,000,000,000 (one billion million rupiah) jointly and severally, and to sentence the Defendant to pay all costs incurred in this case. Furthermore, the subsidiary demands are to request the fairest possible decision (*ex Aequo et bono*).

For parties who are dissatisfied with the decision that has been decided by the Panel of Judges at the District Court, they can take further legal action, namely an appeal to the High Court. In the case involving Silvia Anggriani, Defendant I and Defendant II filed an appeal at the Jayapura High Court and the result of the appeal with Decision Number 94 / Pdt / 2018 / PT Jap was to cancel the results of the Nabire District Court Decision Number 18 / Pdt.G / 2018 / PN Nab. Thus, Silvia Anggriani's party made a cassation legal effort and in Decision Number 3559 K / Pdt / 2019 it was stated that the Panel of Judges granted the cassation application submitted by the cassation applicant, namely Silvia Anggriani, while canceling the Jayapura High Court Decision Number 94 / Pdt / 2018 / PT Jap. March 26, 2019, which annulled the Nabire District Court Decision Number 18/Pdt.G/2018/PN Nab dated November 6, 2018. Therefore, it has permanent legal force that Silvia Anggraini as the Plaintiff is the legal owner of the disputed land.

Non-litigation methods can be used to resolve disputes through negotiation, conciliation, mediation, and arbitration. Out-of-court mediation in land disputes is

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<sup>17</sup>Nae, Fandri Entiman, (2013), *Kepastian Hukum Terhadap Hak Milik Atas Tanah yang Sudah Bersertifikat*. *Jurnal Lex Privatum*, Vol. I/No.5. p. 62

generally conducted by the National Land Agency (BPN) as the mediator. Dispute resolution through litigation can be achieved by filing a lawsuit with the General Court and/or the State Administrative Court. A lawsuit filed with the General Court, specifically the Civil Court, is a lawsuit that violates civil rights in a land dispute. Meanwhile, a lawsuit filed with the State Administrative Court is a type of lawsuit aimed at annulling a State Administrative Decision, in this case a land title certificate.<sup>18</sup>

### **3.2. Legal Protection for Legitimate Owners in Disputes Over Dual Certificate Ownership Due to Unlawful Acts**

Legal protection for legitimate owners in disputes over duplicate land titles is crucial to ensure legal certainty, justice, and the protection of land rights. Ownership disputes often arise from unlawful acts committed by certificate applicants, village officials, and land officials. Therefore, legal protection is not only preventive but also repressive, ensuring legitimate owners can defend their rights.

#### **1. Preventive Protection**

Preventive protection is a preventative measure to prevent disputes over duplicate certificates. This protection is provided by strengthening the land administration system, tightening document verification, and enforcing the principle of publicity in land registration. According to Article 32 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, a certificate is strong evidence regarding the physical and legal data of the land listed therein, as long as it is in accordance with the data in the land book and measurement letter. This shows that the state has provided a guarantee for legitimate land owners so that their rights are legally recognized. In addition, the principle of publicity in land registration requires that all registration data be announced openly, so that the public can file objections if there is data that is inconsistent.<sup>19</sup> This way, the likelihood of duplicate certificates being issued can be reduced. Preventive measures are also implemented by reinforcing the obligations of Land Deed Officials (PPAT) or notaries to ensure the validity of land sale and purchase documents. If the sale and purchase takes place before an authorized official, the land's history can be legally verified.<sup>20</sup> This step is important to avoid issuing certificates based on false documents or misleading information.

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<sup>18</sup>Bahtiar Effendi, (2008), *Pendaftaran Tanah Di Indonesia dan Peraturan-peraturan Pelaksanaannya*. Bandung : Alumni, p. 15

<sup>19</sup>Boedi Harsono, (2008), *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya*, Jakarta : Djambatan, p. 496.

<sup>20</sup>Adrian Sutedi, (2012), *Peralihan Hak Atas Tanah dan Pendaftarannya*, Jakarta : Sinar Grafika, p. 57.

## 2. Repressive Protection

This protection is provided through dispute resolution mechanisms in the courts. Civil proceedings can be taken to confirm the rightful landowner and seek compensation for losses incurred. Meanwhile, the State Administrative Court (PTUN) can be used to overturn administrative decisions in the form of legally flawed certificates. If there are elements of forgery, fraud, or other criminal acts in the certificate issuance process, repressive protection is also provided through criminal proceedings.

For example, in Nabire District Court Decision Number 18/Pdt.G/2018/PN.Nab, which was upheld by the Supreme Court, the court declared one of the duplicate certificates invalid because it was issued based on a legally flawed document. The certificate was declared null and void, while the plaintiff's certificate remained valid. This decision demonstrates that legal mechanisms in Indonesia have provided real protection for legitimate landowners. Another case is Supreme Court Decision Number 2559 K/Pdt/2005, in which the Court affirmed that the issuance of duplicate certificates is unlawful because it creates legal uncertainty for the public. With this decision, legitimate landowners receive protection in the form of legal recognition and the cancellation of flawed certificates.

Legal protection efforts are not sufficient through judicial mechanisms alone. Land administration improvements are also needed through increased capacity at the National Land Agency (BPN), data digitization, and strict oversight of village officials and Land Deed Officials (PPAT). This will minimize the potential for duplicate certificates to be issued, thereby ensuring legal certainty for landowners.

## 4. Conclusion

The mechanism for resolving disputes over ownership of multiple certificates due to unlawful acts can essentially be pursued through administrative channels, litigation, or alternative dispute resolution. The administrative route is through complaints and investigations at the National Land Agency (BPN), which has the authority to examine physical and legal data and recommend the cancellation of legally defective certificates. The litigation route is carried out through the courts, either through civil proceedings in the District Court to determine the rightful owner and compensation, through the State Administrative Court (PTUN) to overturn administrative decisions, or through criminal proceedings against parties found guilty of forgery or fraud. Dispute resolution can also be pursued through mediation, conciliation, or arbitration, including mediation facilitated by the BPN. Legal protection for legitimate owners in disputes over duplicate certificates resulting from unlawful acts includes preventive and repressive protection. Preventive protection is realized through state recognition of certificates as strong

evidence and administrative efforts by the National Land Agency (BPN) to regulate land data to prevent the easy occurrence of duplicate certificates. Repressive protection, meanwhile, is provided through legal remedies in the courts, whether civil, state administrative, or criminal, which can explicitly revoke legally defective certificates and determine the legitimate owners.

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