

## The Impact of Identity Data Administrative Defects on Property Title Certificates and the Mechanism for Restoring Legal Power

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**Abstract.** *This study aims to analyze the role of the Land Office in implementing the principle of prudence in the land registration process and examine the mechanism for correcting identity data to restore the legal force of Land Ownership Certificates (SHM) that are administratively flawed. This research uses a normative juridical approach supported by an empirical case study method. Based on the research, it is concluded that a Certificate of Ownership containing minor administrative defects (differences in birth dates) has the status of a strong, but not absolute, means of proof and does not revoke the land rights. The Repressive (Curative) Role of the National Land Agency is realized through the Certificate Correction or Name Change Registration mechanism according to Article 63 of PP No. 24 of 1997 which is mandatory to restore the legal force of the certificate so that the legal data becomes accurate and up-to-date.*

**Keywords:** Accuracy; Administrative; Certificate; Defects; Office.

### 1. Introduction

Land is a vital element in human life, not only as a physical asset but also as a strategic resource that supports various aspects of social, economic, and national development. Given its essential, strategic, and dispute-prone nature, land management by the state must guarantee legal certainty, one of the most robust forms of which is Property Rights (HM). To ensure legal certainty, the government, through the National Land Agency (BPN), systematically implements Land Registration, aimed at streamlining land administration and providing legal protection to rights holders. The end product of this process is a Property Rights Certificate (SHM), which theoretically serves as legal proof of ownership and a strong means of proof in the eyes of the law.

However, in practice, cases of certificates being declared administratively defective due to procedural errors or data discrepancies are common, potentially

creating legal uncertainty for their owners. This demonstrates that while certificates have legal force, they are not absolute, as they can be challenged or revoked if the issuance process is problematic.<sup>1</sup>Administrative errors, such as errors in the subject of a title (name, date of birth) or the object of a title (area or boundaries), can occur due to negligence on the part of the applicant or land officials in identifying and verifying data. The criteria for these administrative errors are stipulated in Article 64 of Government Regulation Number 18 of 2021.

As a concrete example, the issuance of a SHM in the Mojokerto region that lists a discrepancy in the birth date of the rights holder between the legal data on the certificate and the valid population data (such as an ID card or birth certificate) is a form of administrative negligence. This discrepancy, while not invalidating the legal basis, renders the certificate formally flawed, vulnerable to challenge, and hinders other legal processes such as buying and selling or applying for a mortgage. The emergence of this minor administrative flaw is a clear indication of gaps in the implementation of the Land Office's preventive role, reflecting the suboptimal implementation of quality control functions and the principle of accuracy by officers.

Within the framework of a Welfare State, the role of the National Land Agency (BPN) cannot be reduced to merely a passive administrator. As a State Administrative Official, the BPN holds a public mandate to ensure the validity and accuracy of data in every certificate it issues, and is bound by the General Principles of Good Governance (AUPB) (Law Number 30 of 2014, Article 10 paragraph 1), particularly the principle of carefulness. Failure to carry out this verification role demands institutional responsibility from the BPN, not only at the preventive stage, but also in carrying out a repressive or curative role through a responsive data correction mechanism, in order to restore the evidentiary power of the certificate.<sup>2</sup>

Given the issue of minor administrative defects in land certificates in the Mojokerto area caused by recording errors, a legal study is needed to analyze which parties are eligible for legal protection and the applicable rights restoration mechanisms. This study is expected to provide practical contributions to improving the land administration system, particularly in the context of data validation and accuracy, and serve as a reference in the development of more rigorous standard operating procedures to prevent the recurrence of similar administrative errors.

This study aims to analyze the role of the Mojokerto Land Office in resolving administrative defects through a data correction mechanism.

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<sup>1</sup>AD Rasendria, Legal Protection for Rights Holders Due to the Issuance of Administratively Defective Land Title Certificates (Thesis, National Land College, 2024), p. 5.

<sup>2</sup>See further: Law of the Republic of Indonesia Number 30 of 2014 concerning Government Administration, Article 10

## 2. Research Methods

This research adopts a normative juridical approach supported by an empirical case study method. The specification of this research is descriptive analytical. The data collection method is carried out through document studies (legal literature, legislation, and scientific journals) as well as in-depth interviews with the Head of Section and the ranks of the Rights Determination and Registration officers at the Mojokerto City and Regency Land Offices. The data analysis method used is descriptive qualitative-analytical, namely analyzing and interpreting the data obtained based on the perspective of agrarian law and related regulations, especially Government Regulation Number 24 of 1997 and Law No. 30 of 2014 concerning Government Administration.

## 3. Results and Discussion

### 3.1. The Role of the Mojokerto Land/Agrarian Affairs and Spatial Planning Office in Implementing the Principle of Prudence in the Land Registration Process

The Land Office's preventive role in issuing certificates must be based on the Principle of Carefulness, a derivative of the General Principles of Good Governance (AUPB). This principle requires that every act of issuing a state administrative decision (certificate) must be supported by complete information and documents and based on accurate facts. The implementation of the principle of care in land registration is specifically regulated in Articles 13 to 22 of Government Regulation Number 24 of 1997, which serves as a standard procedural guideline for ensuring the accuracy of physical and legal data.

The Mojokerto Land Office's implementation of the Precautionary Principle is realized through a series of multi-layered inspection mechanisms. Legally, the National Land Agency (BPN) is required to cross-check the validity of the applicant's title and identity documents, including matching data on the KTP (National Identity Card), Family Card (Kartu Keluarga), Deed of Sale and Purchase (AJB), or other original documents, to ensure the subject and object of the title are valid and correct. The pinnacle of preventive prudence is realized through data integration (linking) between the BPN and the Population and Civil Registration Service (Dispendukcapil). This linking system ensures that the applicant's identity data matches the Population Identification Number (NIK).

In cases of discrepancies in identity data, such as different birth dates or years in Mojokerto, the Land Office is required to suspend the registration process and request supplementary documents (e.g., a certificate from the Population and Civil Registration Office or a court order) as a precautionary measure. This aligns with Apri's statement (Head of Rights Determination and Registration at the Mojokerto City Land Agency), who stated that if there are discrepancies, the Land Office will advise applicants to first correct the data at the Population and Civil Registration

Office.<sup>3</sup>Meanwhile, Sony Bachtiar (Head of the Rights Determination and Registration Section of the Mojokerto Regency National Land Agency) emphasized that the most carefulness is tested in cases of lost certificates or double claims, which are resolved by direct physical checks in the field and interviewing neighboring neighbors to ensure the subject is the rightful owner.<sup>4</sup>

However, the issuance of Land Title Certificates containing errors in the registration of the rights holder's date of birth, as occurred in Mojokerto, is a strong indication that the principle of accuracy has not been optimally applied in the verification and data entry process by BPN officers (human error). This error violates the principle of legal certainty and creates legal risks, as it can hinder rights holders from carrying out legal actions such as buying and selling or mortgages. Therefore, the BPN, as the institution issuing the certificates, is responsible for restoring the formal validity of the certificates.

### **3.2. The Identity Data Correction Mechanism at the Mojokerto National Land Agency (BPN) Restores the Legal Force of Land Ownership Certificates (SHM) with Administrative Defects**

A Certificate of Ownership (SHM) containing a minor administrative flaw (an error in recording the date of birth) is considered strong, but not absolute, evidence. This minor flaw does not invalidate the land title.<sup>5</sup>However, this defect is vulnerable to litigation and, most fundamentally, weakens its legal force by preventing the rights holder from engaging in legal action before a Land Deed Official (PPAT) or a banking institution. This defect requires remedial action to restore the evidentiary force of the SHM.

The National Land Agency's (BPN) repressive (curative) role is realized through its administrative authority to implement certificate corrections or name change registrations. This correction mechanism is regulated in Article 63 of Government Regulation No. 24 of 1997 concerning Land Registration. This procedure can be carried out without prior transfer of rights and is subject to registration fees as stipulated in the regulations.

The repair mechanism at the Mojokerto Land Office has several stages:

1) Submission of Application for Name Change/Data Correction: The rights holder submits an application for correction of date of birth data or name change to adjust the data on the certificate with the correct population data (KTP/KK).

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<sup>3</sup>Apri, Interview as Head of Section for Determination of Rights and Registration of BPN Mojokerto City, Interview, November 4, 2025.

<sup>4</sup>Sony Bachtiar, Interview as Head of the Rights Determination and Registration Section of the Mojokerto Regency National Land Agency, Interview, November 5, 2025

<sup>5</sup>FM Kumara Putra, Cancellation of Land Title Certificates Due to Administrative Defects and the Implications if Land Titles are Being Pledged (Thesis, Wijaya Kusuma University Surabaya, 2019), p. 10.

2) Verification of Supporting Documents: Applicants are advised to have an electronic KTP because the BPN system has been integrated with Dispendukcapil.

3) BPN Actions:

a. Direct Correction: For pure typos by the BPN on conventional certificates, the BPN can help correct them by crossing them out and providing a signature of approval (initials) from the Head of Section.

b. Court Decision: The National Land Agency often requests a Court Decision if administrative defects relate to inheritance issues or other transfers of rights to obtain stronger legal certainty.

c. Transition to Electronic Certificates: For electronic certificates, data corrections can be made through the Data Correction procedure without the need for a transition transaction.

Through the correction procedure (Certificate Correction or Name Change Registration), the National Land Agency (BPN) fulfills its legal obligation (the principle of *contrarius actus*) to ensure that legal data is accurate and up-to-date. Once this process is complete, the certificate regains full legal force, and the rights holder can proceed with any legal actions previously hindered.

#### **4. Conclusion**

Based on the analysis of institutional roles and data correction mechanisms at the Mojokerto Land Office, it can be concluded that Land Ownership Certificates (SHM) containing minor administrative defects (such as errors in the recording of birth dates) have the status of strong, but not absolute, evidence. These minor defects do not invalidate the land rights, but indicate a less than optimal preventive role of the Land Office in implementing the Principle of Accuracy (human error) by officers during verification and input of legal data. To restore the legal force of certificates, the Repressive (Curative) Role of the National Land Agency (BPN) is realized through the Certificate Correction mechanism or Name Change Registration, which is mandatory for the BPN. This mechanism aims to ensure that legal data is accurate and up-to-date, so that the certificate regains its full evidentiary force and the rights holder can continue the legal action that was previously hindered. It is recommended that the National Land Office (BPN) improve the evaluation and revision of Standard Operating Procedures (SOPs) in data verification, and ensure real-time data integration (linking) with the Population and Civil Registration Office (Dispendukcapil) to validate the applicant's NIK and identity from the outset, to minimize human error. Furthermore, the BPN needs to provide a fast, transparent, and affordable Certificate Correction mechanism as a form of institutional accountability for administrative errors made by the BPN itself. The public is also urged to be proactive and thorough in checking every detail of the legal data on newly issued

certificates, and immediately submit a correction request to the BPN if any data discrepancies are found.

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