

Law Enforcement Against Abuse of Authority by The Lurah in Issuing Multiple Certificates (Case Study in Medokan Subdistrict, Surabaya)

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Abstract. *This study examines the enforcement of law against the abuse of authority by a village head (lurah) in the issuance of double land certificates, with a case study in Medokan Subdistrict, Surabaya. The issue of double certificates represents a serious failure in land administration that directly undermines legal certainty and the protection of community land rights. In practice, the issuance of double certificates is often linked to the abuse of authority by local government officials through manipulation of juridical data, issuance of unlawful land statements, and disregard for the principle of prudence in public service. This research employs an empirical juridical method with a qualitative approach, combining statutory analysis with an examination of legal practices in the field. Data were collected through literature review, legal documents, and analysis of relevant empirical facts. The findings indicate that weak supervision, low integrity of officials, and an underdeveloped land administration system are the main factors contributing to the occurrence of double certificates. Law enforcement against officials who abuse their authority still faces significant obstacles, particularly in terms of evidence and inter-agency coordination. This study is expected to contribute academically to the development of notarial and land law, as well as provide practical recommendations for improving land administration governance based on legal certainty and justice.*

Keywords: *Abuse of Authority; Double Land Certificates; Law Enforcement.*

1. Introduction

Land is a resource with strategic value in Indonesian society, not only as an economic asset but also as a social, political, and cultural foundation. In a state governed by the rule of law, land ownership and use must be placed within a legal framework that guarantees certainty, justice, and protection of the rights of every citizen. This principle is reflected in the Basic Agrarian Law, which affirms that the state has the authority to regulate the allocation, use, and maintenance of land for the greatest prosperity of the people (Harsono, 2023). However, in empirical practice, land administration in Indonesia still faces various structural issues that lead to agrarian disputes and conflicts.

One crucial issue in the land sector is the emergence of duplicate certificates, a situation where two or more land title certificates are issued for the same land. The existence of duplicate certificates reflects a weak land administration system and the state's failure to provide legal certainty to legitimate rights holders (Anggraeni, Widjajaatmadja, & Koto, 2023). Certificates, which should serve as strong evidence of ownership, have instead become a source of conflict, causing material and immaterial harm to the community.

The phenomenon of duplicate certificates cannot be separated from the abuse of authority by government officials, particularly at the village or sub-district level. As public officials, sub-district heads play a crucial role in the initial land administration process, particularly in issuing land certificates, land ownership history certificates, and certificates of non-dispute, which serve as the basis for land registration at the National Land Agency. This authority should be exercised based on the principles of legality, prudence, and accountability, as part of the general principles of good governance (Atmosudirdjo, 2021). However, when this authority is abused, the land registration process becomes vulnerable to manipulation and irregularities.

The case of Medokan Village, Surabaya, demonstrates how abuse of authority by village heads can significantly contribute to the issuance of duplicate land titles. In several cases, residents lost their rights to land they had held for generations due to the issuance of new titles in the names of other parties. This situation has given rise to horizontal conflict, distrust of government officials, and indicates the involvement of land mafia networks exploiting administrative loopholes and weak oversight (Permadi, 2024).

Land mafia practices in Indonesia have developed into a systemic phenomenon involving various actors, from individuals and organized groups to public officials. Common modus operandi include document falsification, manipulation of land history data, and collusion with local government officials. In this context, abuse of authority by village heads is not only an administrative violation but also has the potential to constitute a criminal offense that harms the public interest and violates the principles of the rule of law (Ramadhan, 2024).

From a state administrative law perspective, abuse of authority occurs when officials use their authority inconsistently with the purpose for which it was granted, exceed established limits, or divert authority for personal or party interests (Hadjon, 2021). Such actions carry broad legal consequences, including administrative sanctions, civil liability, and criminal liability. Therefore, analyzing the village head's abuse of authority in issuing duplicate certificates is crucial to unraveling the root of the legal problems that arise.

Beyond the authority aspect, the issue of dual land titles is also closely related to the principle of legal certainty. Legal certainty is a key pillar in the administration of fair law and serves to protect citizens' rights from arbitrary action (Radbruch, 2019). When dual land titles are issued, legal certainty over land ownership is lost, leaving communities vulnerable to conflict and structural injustice. In the long term, this situation can hinder development, investment, and social stability.

Law enforcement against village heads who abuse their authority in issuing duplicate certificates still faces various challenges. Obstacles to providing evidence, weak protection for whistleblowers, and a lack of coordination between law enforcement agencies often cause similar cases to drag on without a just resolution. In fact, victims often experience greater social and economic pressure than the perpetrators (Noviani, 2023). This demonstrates that law enforcement has not fully functioned as a means of legal protection for the community.

On the other hand, the government has begun efforts to reform land administration through digitalization and the implementation of electronic certificates. This policy is expected to minimize data manipulation practices and increase transparency in land registration (Sari, 2024). However, without increased integrity and effective oversight, digital systems remain vulnerable to misuse. Therefore, system improvements must be comprehensive, encompassing regulatory, institutional, and human resource aspects.

Based on the above description, this study focuses on law enforcement against the abuse of authority by village heads in issuing duplicate certificates in Medokan Village, Surabaya. This study aims not only to analyze the normative and empirical aspects of the problem, but also to formulate recommendations that can be used as a basis for improving land administration governance. With an empirical legal approach, this study is expected to provide a comprehensive picture of the relationship between village heads' authority, the issuance of duplicate certificates, and the effectiveness of law enforcement in protecting community rights.

2. Research Methods

The research method used in this study is an empirical juridical method with a qualitative approach, which views law not only as written norms in laws and regulations, but also as real behavior that is lived and applied in society. This

approach was chosen because the problem of abuse of authority by the village head in issuing dual certificates cannot be fully understood only through normative studies, but must be analyzed based on land administration practices that occur in the field. This research is descriptive-analytical, namely systematically describing legal facts related to the authority of the village head, the procedure for issuing land documents, and the law enforcement mechanism for deviations that occur, then analyzed using the theory of authority and the theory of legal certainty. The data used consists of primary data and secondary data. Primary data was obtained through empirical fact-finding related to the case of dual certificate issuance in Medokan Village, Surabaya, including information from related parties in land administration. Meanwhile, secondary data was obtained from primary legal materials in the form of laws and regulations in the fields of agrarian affairs and government administration, as well as secondary legal materials in the form of books, scientific journals, and relevant previous research results. Data collection techniques were carried out through literature studies and documentation studies, which were then analyzed qualitatively by interpreting the data based on applicable legal principles to answer research problems comprehensively.

3. Results and Discussion

3.1. The Authority of the Village Head in Issuing Land Certificates and Initial Land Registration

The village head's authority in land administration is part of the attributive and delegative government authority granted by law to government officials at the village level to implement public services. In the land context, the village head plays a strategic role in the initial stages of the initial land registration process, particularly in providing and validating legal data relating to land ownership and control status. This authority does not include the issuance of land title certificates, as that authority rests exclusively with the National Land Agency (BPN). However, administrative documents issued by the village head, such as land certificates, land ownership history certificates, and certificates of non-dispute, play a crucial role in the land title issuance process (Harsono, 2023).

In Indonesia's land registration system, as stipulated in Government Regulation Number 24 of 1997 concerning Land Registration, initial land registration aims to provide legal certainty and protection to land rights holders. This process involves collecting physical and legal data, largely sourced from the village or sub-district level. This legal data includes the identity of the rights holder, the basis for land ownership, and information regarding the existence or absence of any disputes over the land in question. Therefore, the sub-district head has a legal obligation to ensure that the data provided is accurate, objective, and legally accountable (Atmosudirdjo, 2021).

Based on the research results, it was found that in practice in the Medokan Village, Surabaya, the village head's authority in the land sector is often

misunderstood, both by village officials and by the community. The village head is often perceived as having full authority over the legality of land ownership, so that every document signed by the village head is considered to legitimize land rights. This perception opens up room for deviations, because village administrative documents are used as a tool to strengthen land ownership claims, even though the data used does not correspond to real conditions on the ground.

Normatively, the village head's authority in land administration must be exercised in accordance with the principles of legality and prudence. The principle of legality requires that every government action have a clear legal basis, while the principle of prudence requires officials to conduct careful verification before issuing a decision or administrative document. In this context, the village head should check the village administration books and land ownership history, and involve relevant officials, such as the heads of the neighborhood association (RT) and community association (RW) to ensure the accuracy of the data submitted by the applicant (Hadjon, 2021).

However, research shows that these verification mechanisms are often not implemented optimally. In some cases, land certificates are issued solely based on a unilateral request from the applicant without any field inspection or clarification from potential stakeholders. This situation results in inaccurate legal data submitted to the National Land Agency (BPN) and potentially leads to overlapping land rights. Such practices demonstrate serious administrative negligence, which, to some extent, can be classified as abuse of authority.

Initial land registration should be a preventive measure to prevent land disputes. However, when administrative processes at the sub-district level are not conducted transparently and accountably, land registration becomes a means of legitimizing illegitimate ownership claims. In the case of Medokan, the issuance of sub-district documents based on inaccurate data was a major factor in the issuance of duplicate certificates for the same plot of land. This demonstrates that initial administrative failures have a systemic impact on the entire land registration process (Anggraeni et al., 2023).

From the perspective of the theory of authority, the actions of a village head (lurah) in issuing land certificates without a valid basis can be categorized as an act of exceeding authority or abuse of power. The authority granted to a village head is intended to provide administrative services that support legal certainty, not to unilaterally create or validate land rights. When this authority is used for specific interests or without regard to the underlying legal objectives, a distortion of the function of authority has occurred, which has implications for the official's legal liability (Marzuki, 2023).

Furthermore, the weak internal oversight system at the sub-district level also increases the potential for abuse of authority. The absence of an effective administrative audit mechanism and the lack of sanctions for procedural violations make it difficult to control the practice of issuing unauthorized land

documents. Under these conditions, sub-district heads are vulnerable to exploitation by parties with economic interests, including land mafia networks, who exploit administrative loopholes to illegally acquire land (Permadi, 2024).

Based on this description, it can be concluded that the village head's authority in issuing land documents and initial land registration plays a crucial role in guaranteeing or undermining legal certainty over land rights. Inaccurate implementation of this authority not only results in the issuance of duplicate certificates but also creates structural injustice for the affected communities. Therefore, a proper understanding of the boundaries of the village head's authority and strengthening administrative oversight are key prerequisites for preventing similar cases from recurring in the future.

3.2. Law Enforcement against Abuse of Authority by Village Heads in Issuing Duplicate Certificates

Law enforcement against abuse of authority by village heads in issuing duplicate certificates is a central aspect of efforts to maintain legal certainty and protect land rights for the community. Abuse of authority by public officials not only violates government administration norms but also has the potential to result in criminal and civil legal consequences if it causes harm to other parties. In the context of land administration, abuse of authority by village heads often serves as a gateway for systemic and organized land mafia practices, so law enforcement must be carried out comprehensively and in layers (Ramadhan, 2024).

Normatively, law enforcement against village heads who abuse their authority can be carried out through three channels: administrative law, civil law, and criminal law. From the perspective of state administrative law, village heads, as government officials, are bound by the provisions of Law Number 30 of 2014 concerning State Administration, which expressly prohibits the abuse of authority in all governmental actions. Abuse of authority, as defined in this law, includes exceeding authority, mixing authority, and acting arbitrarily. If proven to have abused authority, the official in question can be subject to administrative sanctions in the form of a warning, revocation of authority, or even dismissal from office (Atmosudirdjo, 2021).

In practice in Medokan Village, research results indicate that administrative law enforcement mechanisms are not functioning optimally. Despite strong indications of irregularities in the issuance of land documents, the internal audit process is often slow and lacks transparency. This is due to a weak hierarchical oversight system and a tendency to protect fellow officials within the same bureaucratic structure. As a result, administrative sanctions, which should be the initial instrument of law enforcement, do not provide a significant deterrent effect.

In addition to administrative channels, civil law enforcement is also an important means for victims of duplicate certificates to obtain legal protection. In civil disputes, aggrieved landowners can file a lawsuit in court to request the

cancellation of legally flawed certificates and the restoration of their land rights. Duplicate certificates are essentially administrative products with legal flaws, and therefore can be revoked by court decision if proven to have been issued based on inaccurate data or through abuse of authority (Anggraeni et al., 2023).

However, law enforcement through civil channels often faces significant obstacles. The evidentiary process in disputes over duplicate land titles requires a long time, significant costs, and adequate legal expertise. In many cases, the victims are in a vulnerable position due to limited access to legal aid. This situation indicates that civil law enforcement is not yet fully capable of providing effective protection for victims of abuse of authority in the land sector (Noviani, 2023).

Criminal law enforcement is the final instrument used when abuse of authority by a village head has fulfilled the elements of a criminal act. In the context of issuing duplicate certificates, the village head can be held criminally responsible if proven to have intentionally falsified documents, provided false information, or abused his position to benefit himself or another party. Relevant criminal provisions include Article 263 of the Criminal Code concerning document falsification, Article 421 of the Criminal Code concerning abuse of power by officials, and provisions in the Corruption Eradication Law if there is an element of state financial loss (Marzuki, 2023).

Based on research findings, criminal law enforcement against village heads involved in the issuance of duplicate certificates remains relatively rare and tends to face various obstacles. One major obstacle is the difficulty in proving intent and a causal relationship between the village head's actions and the issuance of duplicate certificates. Furthermore, power relations and networks of interests at the local level often hinder the investigation and prosecution process. In some cases, legal proceedings stop at the administrative level without progressing to more serious criminal proceedings.

From the perspective of legal certainty theory, the weak enforcement of the law against abuse of authority by village heads reflects the state's failure to provide effective legal protection to the public. Legal certainty requires not only clear rules but also consistency in their application. When perpetrators of abuse of authority are not firmly prosecuted, the law loses its preventive and repressive functions, opening the possibility of similar practices recurring in the future (Radbruch, 2019).

Furthermore, law enforcement against abuse of authority by village heads is also closely linked to efforts to eradicate land mafia. Land mafia exploit weak law enforcement and low integrity among officials to carry out their modus operandi. Therefore, law enforcement cannot be carried out in isolation but must involve close coordination between law enforcement officials, local governments, and the National Land Agency. Without proper coordination, law enforcement will be sporadic and fail to address the root of the problem (Permadi, 2024).

Preventive measures are also a crucial part of law enforcement. Prevention can be achieved through increasing transparency in land administration, strengthening internal oversight systems, and implementing land data digitization. Digitization is expected to minimize opportunities for data manipulation and increase government accountability. However, research shows that technology alone is insufficient without increasing the integrity and professionalism of government officials (Sari, 2024).

Thus, law enforcement against abuse of authority by village heads in issuing duplicate certificates must be understood as a multidimensional process. Law enforcement is not solely focused on punishing the perpetrators, but also on restoring the victims' rights and preventing similar violations from recurring. Strengthening administrative sanctions, effective civil lawsuits, and bold criminal law enforcement are key prerequisites for achieving legal certainty and justice in the land sector.

3.3. Example of Deed

A Deed of Sale and Purchase (AJB) is an authentic deed that plays a crucial role in the transfer of land rights. AJBs are drawn up by Land Deed Officials (PPAT) as legal evidence of a legal sale and purchase between a seller and a buyer of a plot of land. In the Indonesian land law system, AJBs serve as the legal basis for registering transfers of land at the National Land Agency, thus ensuring legal certainty for all parties involved in a transaction (Harsono, 2023).

Normatively, the creation of a Deed of Sale and Purchase (AJB) must meet formal and material requirements as stipulated in laws and regulations. Formal requirements include the authority of the Land Deed Official (PPAT), the presence of the parties, the clarity of the seller's and buyer's identities, and compliance with specified administrative procedures. Meanwhile, material requirements include the validity of the seller's rights to the land being traded, the absence of disputes over the land object, and the fulfillment of the principle of transparency and cash in the land sale and purchase transaction. If any of these requirements are not met, the Deed of Sale and Purchase (AJB) has the potential to contain legal defects that could result in the deed being void or being revoked (Marzuki, 2023).

In the context of dual title disputes, the Deed of Sale and Purchase (AJB) often finds itself in a difficult legal dilemma. On the one hand, the AJB is based on data and documents deemed administratively valid, such as land title certificates and village certificates. However, if the underlying data is found to be derived from abuse of authority by the village head or administrative manipulation, the resulting AJB is also tainted by legal defects. This places a well-intentioned buyer vulnerable to legal and economic losses.

Research shows that in cases of duplicate land titles in Medokan Village, Deeds of Sale and Purchase (AJB) are often created based on certificates that are later found to be problematic. These certificates are issued based on inaccurate or incorrect land certificates and land ownership history documents issued by

village officials. In such situations, the Land Deed Official (PPAT) is essentially dependent on the validity of the documents submitted by the parties, particularly those from the village and the National Land Agency (BPN). When these documents contain administrative defects due to abuse of authority by the village head, the Deed of Sale and Purchase (AJB) created thereon has the potential to become the subject of legal disputes (Anggraeni et al., 2023).

From a notarial and Land Deed Official (PPAT) legal perspective, a PPAT is obligated to act meticulously and professionally in verifying the completeness and validity of documents before issuing a Deed of Sale and Purchase. The prudential principle requires a PPAT to examine not only the formal aspects of the documents but also to consider any indications of disputes or irregularities regarding the land being traded. Although a PPAT does not have the authority to assess material truth in depth like a judge, a PPAT is still obligated to refuse to issue a deed if there is reasonable doubt regarding the validity of the seller's rights (Atmosudirdjo, 2021).

In practice, the existence of duplicate certificates is often only discovered after the Deed of Sale and Purchase (AJB) has been drawn up and the transfer of rights has been registered. When a claim arises from another party holding the same land title, the Deed of Sale and Purchase becomes subject to legal dispute. In this situation, the Deed of Sale and Purchase does not automatically lose its legal force as an authentic deed, but it can be deemed null and void if proven to have been drawn up based on a legally flawed certificate or obtained through abuse of authority (Hadjon, 2021).

The relevance of the Deed of Sale and Purchase (AJB) to the abuse of authority by the village head is clearly visible in the early stages of the transfer process. The certificate of no dispute and the land history certificate issued by the village head are often the main supporting documents in the preparation of the Deed of Sale and Purchase. If the village head abuses his authority by issuing such a certificate without adequate verification or with manipulated data, the Land Deed Official (PPAT) and the parties are indirectly harmed. Therefore, the village head's abuse of authority not only impacts land administration but also affects the validity of the authentic deed prepared by the PPAT.

In resolving disputes over multiple title deeds, the Deed of Sale and Purchase (AJB) is often used as evidence in court proceedings, both civil and administrative. The judge will assess the Deed of Sale and Purchase (AJB) in relation to the validity of the certificate underlying it, as well as the good faith of the parties involved in the transaction. Buyers who can demonstrate that they acted in good faith and complied with all legal procedures typically receive stronger legal protection, even if the certificate underlying the Deed of Sale and Purchase is ultimately revoked (Noviani, 2023).

From a legal protection perspective, the presence of AJBs in dual title disputes demonstrates the importance of synergy between village officials, Land Deed Officials (PPAT), and the National Land Agency (BPN) in maintaining the validity

of land data. PPATs cannot function optimally if the data provided by the village office is unreliable. Therefore, strengthening the integrity of village officials is a key factor in preventing the issuance of legally problematic AJBs.

Thus, AJB in the context of dual certificate disputes cannot be viewed solely as a product of private legal action, but also as part of a series of land administration that is greatly influenced by the quality of public services at the village level. Abuse of the village head's authority in issuing supporting documents not only harms the legal certainty of land rights, but also weakens trust in authentic deeds prepared by PPAT. Therefore, prevention of dual certificates must be carried out from the initial stages of land administration, by ensuring that each AJB is made based on valid, correct, and legally accountable data.

BANGUNAN OBJEK UNTUK KETETAPAN IPEDA
SEKTOR PEDESAAN DAN SEKTOR PERKOTAAN

No. 2160
Desa / Kelurahan : Medokan agung No. 15
Kecamatan : Surabaya
Kabupaten / Kotamadya : Surabaya
Propinsi : Jawa Timur

Bukti-bukti tanah-tanah tersebut di bawah ini telah tercatat dan dibukukan atas namanya pada Kantor Inspeksi Pembangunan Daerah (IPEDA) Kantor Dinas Luar Tingkat I IPEDA

PEDESAAN					PERKOTAAN				
Kelas Nasional	Luas (Ha)		Kelas Nasional	Luas (M²)	Kelas Nasional	Luas (M²)	Kelas Nasional	Luas (M²)	
	Sawah	Darat							Tanah
2	3	4	5	6	7	8	9	10	
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Suratbaya, 23 FEB 1997
KEPALA KANTOR DINAS LUAR TK. I IPEDA

4. Conclusion

Based on the research results and discussion, it can be concluded that the abuse of authority by the village head in issuing land administration documents has a significant role in the occurrence of duplicate certificates, as reflected in the case in Medokan Village, Surabaya. The village head's authority, which should be administrative and limited to providing initial legal data in the initial land registration, in practice is often abused through the issuance of land certificates and non-dispute certificates that are not based on careful and objective verification. These deviations cause administrative defects that have a systemic impact up to the stage of certificate issuance by the National Land Agency and the transfer of rights through the Deed of Sale and Purchase made by the PPAT.

Law enforcement against the abuse of authority of the village head still faces various obstacles, both from administrative, civil, and criminal aspects, especially related to weak supervision, evidence, and coordination between institutions. As a result, legal protection for the community as holders of land rights has not been fully realized optimally. Therefore, this study emphasizes that the prevention of duplicate certificates must begin with strengthening the integrity of village officials, affirming the limits of the village head's authority, and consistent and fair law enforcement to ensure legal certainty and protection of land rights.

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