

Legal Certainty Of Ownership Of Land Rights Due To The Occurring Of Double Certificates At The Cianjur District Land/Atr Office

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Abstract

Article 19 paragraph (2) letter C of the Basic Agrarian Law (UUPA) emphasizes that certificates are a strong means of proof so that their owners are given legal certainty and legal protection. The approach method used by normative juridical aims to determine the factors causing the emergence of double certificates for land ownership at the Cianjur Regency Land Office/ATR, the impact that occurs if a double certificate is issued on the legal certainty of ownership of land rights, and the efforts made by the Land Office/ ATR Cianjur Regency in providing guarantees of legal certainty over land so that there are no double certificates. So it can be found that double certificates generally occur on land that is still empty or has not been developed and one of these is caused by the existence of a letter of evidence or acknowledgment of rights which is proven to contain untruths, falsehoods, or is no longer valid; One of the impacts of double certificates is that there is public uncertainty, especially for people seeking land who will always be filled with feelings of worry or fear that the land they are going to buy will turn out to be disputed land; and To minimize land disputes in dual certificates, one of the roles carried out by the Cianjur Regency National Land Agency (BPN) as a public servant is to review and manage data to resolve cases in the land sector.

Keywords: *Dual Certificate, Agrarian Law, National Land Agency (BPN).*

INTRODUCTION

Soil is one of the natural resources that has enormous utility for human survival¹. Land is a source of livelihood and income for humans, in fact land cannot be separated from the time a human is born until the human dies. Land is considered a high-value and special asset that encourages everyone to own it. Land is one of the absolute human needs, which means that human life is influenced and determined by the existence of

¹Murtir Jeddawi, Good Governance and Corruption in the Regions, Total Media, 2011, p. 2.

land². Therefore, land issues need to be managed and planned wisely and with great care, because In line with the development of the population and human way of thinking, it encourages the formation of rules in the land sector that can be mutually accepted as a legal perspective, especially in land ownership.³

In order to guarantee certainty of rights and legal certainty over land, the Basic Agrarian Law (UUPA) has underlined the necessity to carry out land registration in Indonesia⁴. According to Boedi Harsono, land registration is said to be a series of activities carried out by the state or government continuously and regulated in the form of collecting information or certain data in certain areas, processing, storing and presenting it for the benefit of the people in providing legal certainty in land sector including evidence and maintenance⁵.

The aim of the Basic Agrarian Law (UUPA) is to provide legal certainty for all people regarding their land rights.⁶ In connection with the important meaning of legal certainty of land tenure, especially in state life, agrarian legislation in Indonesia regulates land registration in order to guarantee legal certainty for holders of land rights in question.⁷

In order to guarantee legal certainty for holders of land rights, Article 19 paragraph (2) letter C of the Basic Agrarian Law (UUPA) explains that a certificate is a strong means of proof so that the owner is provided with legal certainty and legal protection, with the certificate , then the existence of land rights holders will be guaranteed

This certificate can be said to be a proof of title which is valid as a strong means of proof if it meets the requirements in accordance with the physical data and juridical data contained in the land book and measuring certificate in question. In these articles, the purpose of land registration is to provide strong proof of title. This shows that the Basic Agrarian Law (UUPA) adheres to a registration system called registration of title stelsel negative which contains positive elements.⁸ In line with the high value and benefits of land, many people try to obtain proof of land ownership by having fake certificates, genuine but fake certificates or double certificates where the data on the

²J. Andy Hartanto, Land Law Characteristics of Buying and Selling Land Where Land Rights Have Not Been Registered (Surabaya: Laksbang Justitis, 2014).

³G. Kartasaputra, Land Security Law for Successful Land Utilization (Jakarta: PT Raja Grafindo Persada, 1991).

⁴Eddy Ruchiyat, Land Politics Before and After the Implementation of the UUPA, Alumni, Bandung, 1994, hlm.25.

⁵Boedi Harsono, Indonesian Agrarian Law, History of the Formation of Basic Agrarian Laws, Content and Implementation (Jakarta: Djangkat, 1997).

⁶Urip Santoso, Registration and Transfer of Land Rights, Cet II (Jakarta: Prenada Media Group, 2010).

⁷Harris Yonatan Parmahan Sibuea, "The Importance of Land Registration for the First Time," *Journal of Legal Affairs* 2, no. 2 (2011): 289.

⁸Kartini Muljadi and Gunawan Widjaja, Land Rights (Jakarta: Prenada Media, 2004).

certificate does not match that in the land book. The number of such certificates is quite large, giving rise to vulnerabilities.

Falsification of certificates occurs because they are not based on the correct basis of rights, such as the issuance of certificates based on forged ownership certificates, other forms in the form of National Land Agency (BPN) stamps and falsification of land data. In practice, certificate holders without a certain period of time can lose their rights due to lawsuits from other parties which result in the cancellation of the certificate due to administrative legal defects. The existence of administrative legal defects creates duplicate certificates because the certificates are not mapped on the land registration map or the situation map of the area⁹.

Land that is in dispute cannot be managed either by the certificate holder or other parties. Economically, it is certainly very detrimental, because land that has dual certificates is not productive. This land cannot be used for planting plantation products or other crops and can be used as collateral in a bank. If cases of dual certificates are not handled seriously, it will disrupt economic stability. Double certificate disputes arise due to objections from the aggrieved party in the form of demands for State Administration decisions determined by Administrative Officials

State Enterprises within the National Land Agency, submitting objections aims to enable the certificate owner to resolve them administratively to receive corrections from State Administration Officials. As a result of a double certificate dispute, the legal force of the certificate will be lost. In order to resolve the double certificate dispute, deliberation can be used, if there is no agreement, it can be resolved unilaterally by the Head of the National Land Agency Office and if the parties still cannot accept the decision, they can file a lawsuit against the decision of the State Administrative Court. The author found 3 (three) problem identification. Firstly, what are the factors that cause double certificates for land ownership at the Cianjur Regency Land Office/ATR?, secondly, what is the impact of double certificates on the legal certainty of ownership of land rights?, thirdly, what are the efforts made by the Land Office/ATR Cianjur Regency in providing guarantees of legal certainty over land so that there are no double certificates?

METHOD

In this research method, the author uses a normative juridical approach. Using secondary data with 3 (three) legal materials, namely primary, secondary and tertiary. The data collection technique carried out in this research is through library

⁹Tika Nurjannah, "Dispute Settlement of Multiple Certificates of Land Rights (Case Study at the Makassar State Administrative Court)," *Journal Tomalebbi* 3, no. 2 (2016): 133.

research, which is a data collection technique by taking writing materials from books, articles, laws and regulations related to the material. The data obtained is collected and then processed and analyzed qualitatively, from which conclusions are then drawn¹⁰.

A. DISCUSSION

1. Factors Causing Dual Certificates for Land Ownership at the Cianjur Regency Land Office/ATR

The occurrence of double certificates is one of the results of overlaps in the issuance of land title certificates, which is called an administrative law defect¹¹. As contained in Article 107 of the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 9 of 1999 concerning Procedures for Granting and Cancellation of Land Rights and Management Rights, land right certificates that are defective in administrative law are land right certificates that contain errors including the following :

- a. Procedural errors;
- b. Misapplication of statutory regulations;
- c. Mistake of the subject of rights;
- d. Rights object error;
- e. Rights type error;
- f. Extensive miscalculation;
- g. There are overlapping land rights;
- h. Juridical data and physical data are incorrect; or
- i. Other errors of an administrative nature.

The occurrence of double certificates is influenced by internal and external factors, these factors are seen from within the Land Office agency. The internal factors in question are:

- a. The Basic Agrarian Law (UUPA) and its implementing regulations are not implemented consistently and responsibly, in addition to the fact that there are still people who act to obtain personal gain. These factors are seen from within the Land Office agency;
- b. The lack of function of the supervisory apparatus, which gives subordinate officers the opportunity to act deviantly in the sense of not carrying out their duties and responsibilities in accordance with their oath of office;
- c. Inaccuracy of Land Office officials in issuing land certificates, i.e. the documents

¹⁰Soerjono Soekanto and Sri Mamudji, Normative Legal Research A Brief Overview, PT Raja Grafindo Persada, Jakarta. 1995, p. 13-14.

¹¹Soni Harsono, Uses of Certificates and Problems, Yogyakarta: National Seminar, 1992, p. 6.

that form the basis for the issuance of certificates are not carefully examined and it is possible that these documents do not meet the requirements as determined by the provisions of the applicable laws; And

- d. The Land Office as a Government Agency in making and issuing land certificates is very dependent on data published by other government agencies such as regional/village governments and tax service offices.¹².

The external factors in question are:

- a. The public still lacks knowledge and understanding of implementing laws and regulations regarding land, especially regarding procedures for making land certificates;
- b. The supply of land is not balanced with the number of people who need land and the economy of the community itself; And
- c. Development causes the need for land to increase while the supply of land is limited, thus encouraging the shift from agricultural land to non-agricultural land, resulting in land prices continuing to soar.¹³.

Based on the factors in which double certificates arise, the forms of double certificates that are possible are:

- a. Both or more certificates are genuine but one of them is genuine but fake. This means that both have copies or archives at the Regency/City Land Office. This can happen because a plot of land that has been certified is registered again at the Land Office, so both are genuine products of the National Land Agency (BPN), but the object or plot of land is the same in location, position and area;
- b. The two certificates are fake, meaning that there are no copies of the two certificates at the Land Office/National Land Agency (BPN) or there are no archives;
- c. One or more of these certificates is part of another certificate. This happens because the registered land plot should be registered through the process of splitting the parent certificate, or conversely the issuance of one certificate should be a combination of other certificates; And
- d. Multiple overlapping means that there are two or more certificates that overlap with each other so that the overlapping part is a double certificate, because part of the land is included in another certificate.

According to the Cianjur Regency National Land Agency (BPN), double certificates generally occur on land that is still empty or has not been developed. The emergence of double certificates is caused by several things, namely:

¹²Mulyadi Santino, "Resolution of Multiple Certified Land Ownership Disputes," *Juridical Journal* 6, no. 1 (2019): 154–155.

¹³Utoyo Sutopo, *Problem of Misuse of Certificates in Society and Efforts to Overcome It*, Yogyakarta, 1992, p. 5.

- a. When measurements or research are carried out in the field, the applicant intentionally or unintentionally indicates the wrong location of the land and land boundaries;
- b. The existence of a letter of evidence or acknowledgment of rights which is proven to contain untruths, falsehoods, or is no longer valid;
- c. For the area in question there is no land registration map available;
- d. There is bad faith in applying for a certificate by the applicant;
- e. Weaknesses in the system;

So, the factors causing double certificates in general are:

- a. Factor of the official who has authority over the issuance of the certificate.
 - 1) Errors due to lack of care by land officials when carrying out the land certificate processing mechanism. This officer's error was caused by a lack of supporting basic data which was used as reference material to determine someone's land ownership, the basic map and registration map which was used as a reference were not complete until finally the land which already had a rights basis was made up again with a new rights basis and a new certificate was issued. The emergence of these double certificates generally occurs in areas that are still empty and there are no buildings and where there are no land registration maps at that location. There is no land registration map available for the area in question. 2) Error during measurement. The error factor in issuing a certificate on another party's land is an error during measurement, the land officer did not carry out land measurements according to procedures and was not attended by the land owner concerned because the person who knows best about land boundary markings is the land owner himself.
 - 2) Inaccuracy in terms of documentation.
 - 3) There are errors and carelessness caused by carelessness, agreement or inaccuracy in issuing land certificates from sub-district, sub-district and land registration officials. This means that the authorities and officers did not carefully examine the existing documents, while these documents did not meet the requirements as determined by the applicable legislation.
 - 4) There is improper administration in the Village. This happened because a letter of evidence or acknowledgment of rights made by the village head was proven to contain an incorrect identity of the actual land owner.
 - a. Bad faith factor.
 - b. The unclear factor in the history of the origin of the land.
 - c. Historical factors of land ownership.
 - d. Social psychological factors

- e. Weaknesses in land registration regulations.
- f. Implementation and implementation factors.
- g. Intervention Factors

Tax Law (BPHTB and Other Fees). At this time, those who want to register their land have complained first because they think registering land means spending a lot of money and taking a long time. Apart from having to meet the applicant's costs as determined by the land registration regulations, there are also other costs ordered by law which cannot be ignored.

Such as the BPHTB Law (Dues for Acquisition of Rights to Building Land) which requires that if there is a transfer and acquisition of land rights, all fees charged from the provisions of the land registration regulations themselves make people reluctant to register their land. Moreover, this happens in rural areas and sub-districts. This situation indicates legal uncertainty for community land, so the government must pay attention to immediately socialize what and how land registration is and the purpose of registration. If left unchecked, it will encourage people to become less confident in the evidence of rights themselves because they are deemed unable to protect people's land rights. Moreover, for some people, land certificates are still considered to only be used for certain purposes, so people are indifferent to land registration in this country.

2. Analysis of the Impact of Multiple Certificates on Legal Certainty of Ownership of Land Rights

The impact of double certificates according to the Cianjur Regency National Land Agency (BPN) is:

- a. Land rights disputes occur and resolution often occurs through the courts, whereas resolution through deliberation is very unlikely because each party will continue to maintain the truth of the evidence they have;
- b. There is public unrest, especially for people seeking land who will always be filled with feelings of worry or fear that the land they are going to buy will turn out to be disputed land;
- c. For parties disputing over their land, anarchy can arise, taking the law into their own hands, which results in tension in society;
- d. Gives a bad impression to the National Land Agency (BPN) as the institution that processes land certificates; And
- e. Causing public distrust in the legal certainty of land rights.

A land title certificate should be proof of strong ownership of land rights, but it cannot be called strong because of the existence of a second and subsequent certificate for the same land object. So, the impact of issuing a double certificate is:

- a. ownership confusion occurs;
- b. a legal dispute occurs;
- c. legal uncertainty occurs;
- d. a criminal act occurs due to the use of a fake certificate which harms the owner of the original certificate or another party; And
- e. public distrust of certificates.

Normatively, the National Land Agency (BPN) is the only agency or institution in Indonesia that is given the authority to carry out the mandate in managing the land sector in accordance with Law Number 10 of 2006 concerning the National Land Agency which states that the National Land Agency (BPN) carry out tasks in the land sector nationally, regionally and sectorally. Through the same Presidential Regulation (Perpres), the government has also strengthened the role and position of the National Land Agency (BPN) by establishing Deputy V who specifically reviews and resolves land disputes and conflicts.

Referring to the regulation of the Head of the National Land Agency (BPN) of the Republic of Indonesia Number 3 of 2006 concerning the Organization and Work Procedures of the National Land Agency (BPN) of the Republic of Indonesia, the study and handling of land disputes and conflicts is the field of Deputy V who oversees the directorate of land conflicts, the directorate of land disputes , and the directorate of land cases (Article 346 of the Regulation of the Head of the National Land Agency (BPN) of the Republic of Indonesia). Double certificates clearly result in legal uncertainty regarding land rights holders, which is highly undesirable in the implementation of land registration in Indonesia.

In order to prevent double certificates from occurring, land administration and land registration maps must be optimized. This must be done to prevent duplicate certificates from occurring. With a land registration map and good land administration, boundary errors can be identified as early as possible.

3. Efforts Made by the Cianjur Regency Land Office/ATR to Provide Guarantees of Legal Certainty on Land So that Duplicate Certificates do not Happen

The first way to resolve disputes was through a litigation process in court, then a dispute resolution process developed through cooperation (cooperative) outside of court. The litigation process produces decisions that are contradictory (adversarial) which are not able to embrace common interests, and even tend to give rise to new problems, are slow to resolve, require expensive costs, are unresponsive, and give rise to hostility between the parties to the dispute. Some land problems can be resolved well by the National Land Agency (BPN) through

mediation¹⁴. In other words, mediation is an effort to resolve disputes through negotiations with the help of a neutral third party (mediator) to find a form of resolution that can be agreed upon by the parties.¹⁵ Mediation is also an effort to resolve disputes through negotiations with the help of a neutral third party (mediator) to find a form of resolution that can be agreed upon by the parties¹⁶. The mediation pattern is often used as an alternative way to resolve land disputes. Because understanding mediation knowledge by the parties will further encourage the success of land cases¹⁷.

The basis for the formation of the National Land Agency (BPN) is Presidential Decree Number 26 of 1988. As an operational guide the basis for the formation of the National Land Agency (BPN) is Presidential Decree Number 26 of 1988. As an operational guide for the National Land Agency (BPN), the leadership of this institution then issued Decree Number 11/KBPN/1988 in conjunction with Decree of the Head of the National Land Agency (BPN) Number 1 of 1989 concerning the Organization and Work Procedures of the National Land Agency (BPN) in Provinces and Regencies/Municipalities. In accordance with the regulations of the Head of the National Land Agency (BPN) of the Republic of Indonesia Number 3 of 2006 concerning the Organization and Work Procedures of the National Land Agency (BPN) of the Republic of Indonesia, the study and handling of land disputes and conflicts is the field of Deputy V who is in charge of:

- a. Directorate of land conflicts;
- b. Directorate of land disputes; And
- c. Directorate of land cases (Article 346 of the Regulation of the Head of the National Land Agency (BPN) of the Republic of Indonesia Number 3 of 2006).

The National Land Agency (BPN) always seeks solutions to resolve land disputes based on applicable laws and regulations by paying attention to a sense of justice, respecting the rights and obligations of each party. The dispute resolution steps taken by the National Land Agency (BPN) are deliberation. Likewise, in double certificate disputes, the National Land Agency (BPN) also has the authority to negotiate, mediate and facilitate the parties to the dispute and to

¹⁴Herwandi, "The Role of the Land Office in Resolving Land Disputes Through Mediation at the North Jakarta Land Office" (Diponegoro University, 2010).

¹⁵Supriadi, *Agrarian Law* (Jakarta: Sinar Graphics, 2006)

¹⁶Supreme Court, "Mediation Procedures," accessed June 7, 2022, <https://www.pnkabanjahe.go.id/2015-06-22-15-03-59/materi-mediasi.html>.

¹⁷Sofia Rachman, "Alternative Land Dispute Resolution," *Journal of Legal Cita* 2, no. 1 (2010): 2.

formulate an agreement between the parties. The National Land Agency (BPN) is not a state institution in the judicial sector, however the National Land Agency (BPN) has the authority to resolve every land problem including double certificate issues.

In practice, land dispute resolution is not only carried out by the National Land Agency (BPN), but can also be resolved by the General Court and State Administrative Court institutions. If the General Court focuses more on civil and criminal matters in land disputes, this is different from the State Administrative Court which resolves land disputes related to decision letters issued by the National Land Agency (BPN) or other regional officials relating to land. To minimize land disputes, in this case double certificates, the roles played by the National Land Agency (BPN) of Cianjur Regency as community servants include:

- a. Review and manage data to resolve cases in the land sector;
- b. Accommodating lawsuits, preparing answer memory materials, preparing appeal memories, cassation memories/contra-memories, cassation review memories/contra-memories of cases submitted through the judiciary against individuals and legal entities that are detrimental to the state;
- c. Collect data on land problems and disputes;
Review and prepare draft decisions regarding land dispute resolution;
- d. Review and prepare the concept of a decision to cancel land rights that are administratively flawed and based on the strength of a judicial decision; And
- e. Documenting.

The National Land Agency (BPN) also has certain mechanisms for handling and resolving land cases or disputes, in this case including double certificate disputes, namely¹⁸:

- a. Land disputes are usually known to the National Land Agency (BPN) from complaints;
- b. Complaints are followed up by identifying the problem. Ascertain whether the elements of the problem fall within the authority of the National Land Agency (BPN) or not;
- c. If it is within its authority, the National Land Agency (BPN) examines the problem to prove the truth of the complaint and determine whether the complaint has grounds for further processing;
- d. If the research results need to be followed up by examining physical administrative and juridical data, the head of the office can take steps in the

¹⁸Elza Syarief, *Resolving Land Disputes Through Special Land Courts*, Jakarta: Gramedia Popular Literature, 2012, p. 276.

- form of preventing mutations (status quo);
- e. If the problem is strategic, it is necessary to form several work units. If it is political, social and economic in nature, the team involves institutions in the form of the People's Representative Council (DPR) or Regional People's Representative Council (DPRD), home affairs departments, related regional governments;
 - f. The team will prepare a research report to provide recommendations for solving problems; And
 - g. Carrying out a computerization program for land registration maps so that from this program it can be seen which plots of land have been certified. However, this program is currently still hampered by high costs, so its implementation can only be carried out in stages, village by village.
So, the efforts to complete the double certificate are:
 - a. The Land Office can handle multiple certificate disputes using mediation. However, if an agreement is not reached through mediation then it will definitely go through a court process;
 - b. Another problem to evade demands is that when the issuance of the previous certificate has been through an announcement institution for 2 (two) months in the Village and/or Subdistrict or in the District, the party who objects should be able to use that time to submit an objection to the issuance of the certificate and the weaknesses are announced at the institution announcements, but in reality not everyone reads and pays attention to announcements; And
 - c. After the land owner certificate is issued, the village government is given a letter to collect the finished certificate at the Land Office.
- This is also used to avoid the error that the Village Government should record the land plot as having been certified, even though invitations are often not sent or do not reach the applicant. Land title certificates are a form of State Administrative Decree (hereinafter referred to as TUN Decree), if you pay attention to the provisions of Article 1 number 3 of Law Number 5 of 1986 concerning State Administrative Courts in conjunction with Law Number 9 of 2004 concerning Amendments to the Law Number 5 of 1986 in conjunction with Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning State Administrative Courts. In Article 1 number 9 (Article 1 number 3 becomes Article 1 number 9 in Law Number 51 of 2009) it is emphasized that the elements of State Administrative Decisions (beschikking) are:
- a. a written determination;
 - b. issued by a State Administrative Body or Official (TUN);

- c. contains acts of State Administrative Law;
- d. based on applicable laws and regulations;
- e. is concrete, individual, and final; And
- f. give rise to legal consequences for a person or civil legal entity¹⁹.

Thus, a land title certificate constitutes:

- 1) Decree of the State Administration Agency or Official, namely the Decree of the Head of the Land Office;
- 2) The purpose of the contents of the written certificate essentially contains the type of right (for example, ownership rights or building use rights), location or address of the land, land area, land boundaries, certificate number, measuring letter, and measuring letter number and so on; And
- 3) The writing is addressed to a person, group of people or legal entity as the holder of land rights²⁰.

The confirmation of land certificates as State Administrative Decisions has also been found in the Supreme Court Jurisprudence in Supreme Court Decision Number 140 K/TUN/2000 dated 11 February 2002 which states that land certificates include declaratory State Administrative Decisions, which means that behind the decision there is a right holder who Actually. Double certificates are one of the disputes that often occur in the land sector. The definition of land disputes is formulated in Article 1 of the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 1 of 1999 concerning Procedures for Handling Land Disputes, hereinafter referred to as PMNA/KBPN 1/1999, namely differences opinions between interested parties regarding the validity of a right, granting land rights, registration of land rights, including the transfer and issuance of proof of rights as well as interested parties who feel they have a legal relationship and other interested parties affected by the legal status of the land.

At this time, to reduce the number of disputes in the land sector nationally, especially to provide legal certainty for land rights holders in order to realize orderly administration in the land sector nationally, electronic certificates have become a form of modern and technological progress.

The procedure for electronic land registration is regulated in the Regulation of the Minister of Agrarian Affairs, Head of the National Land Agency Number 1

¹⁹Adrian Sutendi, *Transfer of Land Rights and Registration* (Jakarta: Sinar Graphic, 2010).

²⁰Boedi Harsono, *Indonesian Agrarian Law (History, Formation, Basic Agrarian Laws, Content and Implementation)* (Jakarta: Djangkat, 2008).

of 2021 concerning Electronic Certificates and is explained in Government Regulation (PP) Number 18 of 2021 concerning Management Rights over Flat Unit Land and Land Registration.

It is hoped that electronic certificates will be effective in national land management, which can minimize copying of certificates, forgery and illegal land transactions by the land mafia and also reduce the risk of loss, fire, rain and theft of physical documents. Electronic land registration has several stages in it in accordance with applicable laws and regulations which will currently replace analog land certificates according to the existing procedures, in this case explained in Chapter II of the Regulation of the Minister of Agrarian Affairs, Head of the National Land Agency Number 1 of 2021 by The National Land Agency represented by the leadership regarding eCertificates includes the following:

- a. registering owned land can be done electronically so it is easier;
- b. in carrying out registration of land owned using electronic methods as included in paragraph (1), including:
 - 1) registering the land owned for the first time; And
 - 2) maintain data related to land registration.
- j. as intended in paragraph (2) is carried out based on electronics in the system; And
- k. This is carried out in a tiered manner regarding registration, which has been regulated by the Minister.

CLOSING

CONCLUSION

1. The factors causing double certificates of land ownership at the Cianjur Regency Land Office/ATR are:
 - a. Factor of the official who has authority over the issuance of the certificate.
 - 1) Errors due to lack of care by land officials when carrying out land certificate processing mechanisms.
 - 2) Error during measurement.
 - 3) Inaccuracy in terms of documentation.
 - 4) There are errors and carelessness caused by carelessness, agreement or inaccuracy in issuing land certificates from sub-district, sub-district and land registration officials.
 - 5) There is improper administration in the Village.
 - b. Bad faith factor.
 - c. The unclear factor in the history of the origin of the land.
 - d. Historical factors of land ownership.

- e. Social psychological factors.
 - f. Weaknesses in land registration regulations.
 - g. Implementation and implementation factors.
 - h. Tax Law Intervention Factors (BPHTB and Other Costs).
2. The impact of having a double certificate on the legal certainty of ownership of land rights, namely:
- a. There was ownership confusion;
 - b. There was a legal dispute;
 - c. There is legal uncertainty and not optimal legal protection;
 - d. A criminal act has occurred due to the use of a fake certificate which is detrimental to the owner of the original certificate or another party; And
 - e. Public distrust of certificates.
3. Efforts made by the Cianjur Regency Land Office/ATR to provide guarantees of legal certainty over land so that double certificates do not occur, namely:
- a. The Land Office can handle multiple certificate disputes using mediation. However, if an agreement is not reached through mediation then it will definitely go through a court process;
 - b. Another problem to evade demands is that when the issuance of the previous certificate has been through an announcement institution for 2 (two) months in the Village and/or Subdistrict or in the District, the party who objects should be able to use that time to submit an objection to the issuance of the certificate and the weaknesses are announced at the institution announcements, but in reality not everyone reads and pays attention to announcements; And
 - c. After the land owner certificate is issued, the village government is given a letter to collect the finished certificate at the Land Office.

This is also used to avoid the error that the Village Government should record the land plot as having been certified, even though invitations are often not sent or do not reach the applicant.

SUGGESTION

Based on the conclusions above, the author provides suggestions from the results of this research as follows:

1. It is hoped that this research can be a reference to prevent the occurrence of double certificates of ownership of land in the future. What needs to be considered first is the factors that cause the emergence of double certificates, where these factors must be corrected, for example in land registration, before being processed or measured. , a check must be made on the land registration map to find out whether the plot of land has been registered (certified) or not with the National Land Agency.

2. It is hoped that the National Land Agency (BPN) will provide information and provide counseling to the public regarding evidence of land rights, especially multiple land certificates because it is important to note that the majority of people are still very unfamiliar with the knowledge of land certificates.
3. It is hoped that there will be a simplification of procedures in land certificate application services because they still tend to be complicated and also clarity on the costs that must be incurred, so that people who apply for land certificates can easily process their certificates.
4. It is hoped that the official website of the Cianjur Regency Land Agency (BPN) will continue to update regarding land in Cianjur Regency, to make it easier for the public and/or students who want to find out the latest information on the Cianjur Regency National Land Agency (BPN).
5. It is hoped that the public can be aware of the law and obey the law so that legal problems do not arise in the future regarding land ownership, and the government and the National Land Agency (BPN) must play an active role in providing legal education or socializing land regulations so that the public knows the applicable land regulations and so on. Academics, practitioners and law students must also contribute to providing legal education to the general public, especially regarding land.

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