

Implications of Ownership Certificates that Overlap with Business Use Rights Certificates



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ABSTRACT: Land title certificates are a form of legal certainty provided by the state to its people in relation to land ownership, but legal issues are still common regarding these land title certificates, such as overlapping with other land title certificates and frequent overlaps. with a usufructuary certificate. So that the purpose of this research is to analyze how the position of certificates of ownership rights overlaps with certificates of cultivation rights and how is the legal protection for the ownership of certificates of ownership rights which overlaps with certificates of cultivation rights. The method used in this research is a normative research method. The results of this analysis are that first, the position of ownership certificates with overlapping usufructuary rights means that there is no power and does not provide legal certainty, because the purpose of someone carrying out land registration is to obtain a certificate as a perfect means of proof. Second, the government provides preventive legal protection where before issuing a State Administrative Decree, in this case, the National Land Agency will issue various kinds of announcements intended to give the public the widest possible freedom of information. So that the National Land Agency must be more careful and more selective in carrying out land registration for land rights that will carry out registration and for the community so that they can optimize the use of land owned so that it is not used by other irresponsible parties.

KEYWORDS: Land Title Certificate, Overlap, Usufructuary Certificate.

A. INTRODUCTION

Land has economic value, because land is an element that cannot be ruled out in the era of national development and to support economic growth. Besides having economic value, land also has social value, which means that land rights are not absolute, but the state guarantees and respects land rights given to its citizens, so legal certainty is needed in land tenure protected by law. Civil law regulations regarding objects/assets are set forth in several laws, such as Law Number 5 of 1960 concerning Agrarian Principles, Law Number 37 of 2004 concerning Bankruptcy and so on.¹ Article 4 paragraph (2) of the Basic Agrarian Law states that land rights not only give authority to use a certain part of the earth's surface concerned, called "land", but also the body of the earth below it and the water and space above it, because based on the Constitution of the Republic of Indonesia 1945 Article 33 paragraph (3) the earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. Land serves as a source of wealth because land and its contents can provide various sources of income for its owners or those who control. As a fulfillment of the need for land and so that land only gives its function only to its owner or ruler, for that it is important for someone to carry out certification.²

A certificate is a certificate from an authorized person and can be used for certain purposes. Self-certification in terminology or the "official language" of agrarian laws is written certificates. According to Government Regulation Number 24 of 1997 concerning Land Registration Article 1 paragraph (20), a certificate is a certificate of proof of rights as referred to in Article 19 paragraph (2) point c for land rights, management rights, waqf land, property rights over apartment units and dependent rights, each of which has been recorded in the relevant land book. If you look at Article 19 paragraph (2) point c of the Basic Agrarian Law, then the certificate is a letter of proof of rights that applies as strong evidence. Research on the strength of the validity of certificates is very important, because certificates certainly provide legal certainty of land ownership for people whose names are listed on the certificate. The issuance of certificates can prevent land disputes. Possession of a certificate will provide a feeling of calm and peace because it is protected from arbitrary actions by anyone. Possession of certificates can also carry out any legal act

¹ Siti Soetami, *Pengantar Tata Hukum Indonesia* (Bandung: PT. Refika Aditama, 2005).

² Pifek Oktori, "Peran Tanah Bagi Kehidupan," diakses 2 Januari 2023, <http://oriwokis20.blogspot.com/2012/09/peran-tanah-bagi-kehidupan.html>.

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if it does not contradict the law, public order, and decency. In addition, certificates have economic value such as rent, and debt guarantees.³

Certificate is a strong evidentiary tool in proof of ownership so that certificates can guarantee legal certainty about people who are holders of ownership rights to land, legal certainty about the location of land, boundaries, and area of a piece of land, and legal certainty regarding rights to their land. With this legal certainty, protection can be given to the person named in the certificate against interference by other parties and avoid disputes with other parties. The guarantee of legal certainty is not only addressed to the person named in the certificate as the owner of the land, but also is a government policy in creating an orderly land administration that places obligations on the government to carry out land registrations throughout Indonesia. Certificate is a form of determination decision (*beschikking*) issued by the Head of the Land Office as a State Administration Officer, which *is* *beschikking*, is a form of recognition of property rights over land for the owner. The certificate issued is also declaratory, which is a decision to recognize something that already exists and is given because it has met the specified conditions. The granting of declaratory decisions is carried out to realize a provision in the law that is still abstract into the form of concrete events, such as the issuance of certificates.⁴

The fact that occurs in Indonesia is that there are still many cases of disputes regarding land certificates that raise doubts about the legal certainty of a certificate. One of them, there is a case where the certificate of Right to Use owned by the Ltd. Putra Bangun Bersama was issued by the Head of the Barito Kuala Land Office based on a Decree which should have been a strong evidence, because of the overlapping with the certificate of Property Rights of the Cerbon community, the certificate was declared null and void as a whole by the decision of the Banjarmasin Administrative Court with Decision Number 16/G/2022/PTUN. BJM due to a partial lawsuit against the land. Things like this can cause problems both in terms of law, economics, and psychology. Land disputes that eventually lead to court, will later take a lot of time, energy, and costs that are detrimental to the parties. Not only that, the ownership of a certificate that should provide a feeling of calm, peace, and provide legal certainty, with the existence of these dispute cases, makes people begin to question the legal strength of a certificate.

So, the purpose of this study is to add analytical material related to legal issues about the implications of Overlapping Property Rights Certificates with Business Use Rights Certificates, which distinguishes this study from previous research is that no one has raised and analyzed the overlap of Property Rights Certificates with Business Use Rights Certificates specifically. As in the *Use Rights* by Laurent, discussing how the legal basis and reasons for the cancellation of land title certificates and the legal consequences of canceling land title certificates without going through the court.⁵ So that the formulation of the problem in this study is how the position of the Certificate of Property Rights overlaps with the Certificate of Business Use Rights and how the legal protection of ownership of the Certificate of Property Rights overlaps with the Certificate of Business Use.

B. METHOD

This research uses a type of normative law research, which uses normative case studies in the form of legal products.⁶ The type of research used is also conflict norm. The nature of this research is *prescriptive analytical*, that is, it studies the purpose of law, the values of justice, the validity of the rule of law, legal concepts and legal norms.⁷ The approach used is the *statutory approach* (*statute approach*) and *concept approach* (*conceptual approach*); and the *case approach* (*case approach*).⁸ So this study was analyzed to find out how the implications of property rights certificates overlap with business use rights certificates.

C. RESULT AND DISCUSSION

THE POSITION OF THE TITLE CERTIFICATE THAT OVERLAPS WITH THE BUSINESS USE RIGHTS CERTIFICATE

Legal Strength of Overlapping Certificates

Land registration is all activities planned by successive, continuous, and coherent governments, such as collecting, processing, bookkeeping, and presenting as well as maintaining physical data and juridical data in the form of maps and lists related to land parcels. Land registration is carried out to guarantee legal certainty and meet the needs of the community and government.⁹ The purpose of providing legal certainty and protection of land rights, land must be registered in order to submit an application for

³ Adrian Sutedi, *Kekuatan Hukum Berlakunya Sertifikat Sebagai Tanda Bukti Hak Atas Tanah* (Jakarta: BP. Cipta Jaya, 2006).

⁴ Sutedi.

⁵ Melinda Laurent, "Pembatalan Sertifikat Hak Atas Tanah Tanpa Melalui Putusan Pengadilan" (Tesis, Banjarmasin, Universitas Lambung Mangkurat, 2022).

⁶ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2008).

⁷ Dyah Ochtorina Susanti dan A'an Efendi, *Penelitian Hukum* (Jakarta: Sinar Grafika, 2014).

⁸ Marzuki, *Penelitian Hukum*.

⁹ Adrian Sutedi, *Peralihan Hak atas Tanah dan Pendaftarannya* (Jakarta: Sinar Grafika, 2013).

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land rights to obtain a certificate, therefore the certificate is valid evidence of ownership and control of land protected by the rules as included in Article 1 of Presidential Regulation No. 24 of 1997. The registration of land rights based on Article 19 of the Basic Agrarian Law is shown to the government so that land registration throughout Indonesia is carried out, as well as registration in Articles 23, 32 and 38 of the Basic Agrarian Law is directed at all rights holders in order to create legal certainty for themselves, this is due to the emergence of registration of each transition, its deletion and the imposition of many legal problems if it is not registered. However, related registration is strong evidence as it is determined that property rights, as well as in the transfer, deletion and burden, there must be many legal problems if they are not registered, whereas related registration is a strong conditional proof contained in Article 23 of the Basic Agrarian Law. Likewise, the transfer, deletion and encumbrance through other rights must be registered according to the provisions referred to in Article 19 of the Basic Agrarian Law, as well as the right to use business (Article 32 of the Basic Agrarian Law) and the requirements for granting, as well as any transfer and removal of rights related to registration.¹⁰

For the legal guarantee provided by the government regarding land rights, the government provides a certificate of proof of rights called a certificate and is applied as very strong evidence. This means that the information contained therein has legal force and must be accepted by the judge as true information if there is no other evidentiary tool that can prove. And if there is overlap or errors in procedures and mapping, then the proof of land rights or certificates include legally defective certificates where all policies or procedures are contrary to the enforceability of the law.¹¹ These overlapping certificates can have legal consequences for the holder of proof of rights in the form of the abolition of related land rights due to the issuance of a decision to cancel land rights due to administrative legal defects or for the implementation of court decisions with permanent legal force.¹²

There are several reasons that cause a certificate to overlap, namely it could be that during measurements or research in the field, the applicant deliberately shows the wrong location of the land and land boundaries; the existence of a letter of evidence or acknowledgment of rights that turns out to contain intentional / untrue / false and / or no longer valid; for the area concerned, there is no land registration map; and overlapping certificates can also occur supported due to the onset of administrative errors.¹³ The Land Office concerned should also ascertain who owns the land, its location, boundaries, land pegs, by summoning the landowners and landowners bordering the applicant's land so that there is no fraud or mismeasurement resulting in excess, deficiency in measurement or overlapping certificates resulting in losses for the parties, which is certainly contrary to the Presidential Regulation of the Republic Indonesia Number 63 of 2013 concerning the National Land Agency, that one of the functions of the National Land Agency is guidance and general administrative services in the land sector. With a clear function, effective and regular land registration will make land administration orderly. The implementation of government-run land administration carried out by the National Land Agency. In the implementation of the administration there is an element of orderly chess. The main objective of land orderly chess is to realize the objectives of the Decree of the People's Consultative Assembly Number II/MPR 1998 concerning the Outline of the State Direction which focuses on the arrangement of ownership, use and control of land for the community fairly and improving the quality of the environment and natural resources owned.¹⁴

The emergence of overlapping certificates in some cases arises because the parties as owners of land rights make complaints and objections as aggrieved parties by the appearance of certificates on the same object. If the problem overlaps the certificate issued there is indeed no solution by deliberation, or it turns out that there are principal problems that must be resolved by other authorized agencies, such as the court, then the person concerned is advised to submit the problem to the court. So, in general, the nature of this dispute is due to a complaint containing a conflict over land rights or other rights to an opportunity/priority or the existence of a provision that is detrimental to him. In the end, the settlement must always pay attention to/always based on applicable regulations, pay attention to the balance of interests of the parties, uphold legal justice and this settlement is sought to be complete. Dispute resolution through the courts is a form of dispute resolution that results in a decision (verdict) that justifies or blames one of the litigants. The foregoing happens because the courts are given the power to determine who is right and wrong.

This is the same as the case that occurred in the Right to Use Business owned by Ltd. Putra Bangun Bersama who was sued because of overlapping certificates of property rights of residents in Cerbon sub-district who felt aggrieved. This can happen

¹⁰ Ni Made Silvia Gayatri, I. Putu Gede Seputra, dan Luh Putu Suryani, "Pembatalan Sertifikat Hak Milik Atas Tanah Akibat Cacat Administrasi," *Jurnal Analogi Hukum* 3, no. 1 (16 Maret 2021): 79-83, <https://doi.org/10.22225/ah.3.1.2021.79-83>.

¹¹ Gayatri, Seputra, and Syriac.

¹² Muhammad Yamin Lubis dan Rahim Lubis, *Hukum Pendaftaran Tanah*, Edisi Revisi (Bandung: CV. Mandar Maju, 2010).

¹³ Supranowo, "Sertifikat dan Permasalahannya" (Jurnal, Seminar Nasional Kegunaan Sertifikat dan Permasalahannya, Yogyakarta, 1992).

¹⁴ Agus Salim, "Penyelesaian Sengketa Hukum Terhadap Pemegang Sertifikat Hak Milik Dengan Adanya Penerbitan Sertifikat Ganda," *Jurnal USM Law Review* 2, no. 2 (20 November 2019): 174-87, <https://doi.org/10.26623/julr.v2i2.2269>.

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because during the process of land registration activities, related to the collection of Physical Data and Juridical Data the Defendant (head of the Barito Kuala land office) did not examine and investigate carefully the history of the land, and assessed the correctness of the evidence of ownership or control of land submitted by the Applicant in Casu Holder of the object of dispute, so that the decision of the State Administrative Officer determined by the Defendant has harmed the Plaintiffs, because the said parcel of land has been certified in the name of the Plaintiffs. This is certainly contrary to Article 26 paragraph (1), paragraph (2) and paragraph (3) of Government Regulation Number 24 of 1997 concerning Land Registration and Article 35 paragraph (1) and paragraph (2) of the Regulation of the Minister of Agrarian State/Head of the National Land Agency Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997. The defendant deliberately did not apply procedures regarding the location and extent of entry points/coordinate data of each plaintiff's title certificates have been stored in the archives so that if there is a third party who registers land to the Land Agency Office of Barito Kuala Regency it can automatically know the overlapping. And of course, those who have the coordinate data are only the Land Agency Office as the authorized agency that issues the Certificate of Property Rights of the plaintiffs and already has a Land Identification Number. Because of this, the map of the area of PT Putra Bangun Bersama's Right to Use Area, which was only issued in 2014, covers the entire area of the Plaintiffs' Title Certificates issued in 2009 by the Land Office of Barito Kuala Regency. With the overlap between the Certificate of Right to Use owned by PT Putra Bangun Bersama and the Certificate of Property Rights of residents of Cerbon District issued by the Land Agency of Barito Kuala the Certificate of Right to Use Business can be categorized as administrative defects. Because in the case of overlapping certificates there is a chamber compilation guide in the Supreme Court, especially the State Administration in page 179 affirmed Testing the validity of certificates on land by the State Administrative Court in the case of certificates on overlapping land, the Judge can cancel the certificates issued later provided that the proof of the certificate that first mastered the physical land in good faith or the history of rights in its control is clear and unbroken or the procedure for issuing certificates in advance that is in accordance with applicable legislation.

The National Land Agency must of course be responsible for the cancellation of the Land Rights Certificate due to errors or omissions made by it in the process of issuing overlapping Land Rights Certificates.¹⁵ By looking at the duties and responsibilities of the National Land Agency, it is very clear that the National Land Agency is not only responsible until someone seeks administrative efforts, but the National Land Agency is given the burden to implement Court decisions related to its main task, namely the issuance of Land Rights Certificates. The canceled certificate certainly has no legal force anymore, so juridically the legal position of the certificate that was originally used as evidence of land ownership will be canceled. This means that the Certificate can no longer be a valid proof of ownership of the land parcel. This situation can occur, as a consequence of the implementation of a land registration system with a negative publication system containing positive elements, in accordance with the Basic Agrarian Law. If the Land Rights Certificate has been canceled, it will have legal consequences for the holder of the Land Rights Certificate, namely the loss of ownership and control rights over the land parcel listed in the Certificate, in this case a certificate issued later.

However, the legal effect only arises if the Certificate issued later has been declared invalid by a court decision that has *inkracht* or permanent legal force and is also designated as a Certificate whose legal position is invalid by the Land Agency concerned as an institution authorized to issue all types of Land Rights Certificates and the Certificate must also delete from the land book register.

Legal Revocation of Overlapping Certificates

The certificate according to Government Regulation Number 24 of 1997 concerning Land Registration is in the form of a document containing information about juridical data and physical data required for a plot of land to which rights are registered. Certificate is also often interpreted as a combination of Surat Ukur (sheet containing data on land parcel objects) with land book (sheet containing data on subjects who control land parcels and data explaining juridical aspects of land parcels) which have been signed and stamped by authorized officials which are then bound and sewn and sealed with the Garuda Pancasila bird emblem.

In Article 24 paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Registration, it is stated in good faith that in the event that there are no or no longer complete evidentiary tools, bookkeeping of rights can be carried out based on the fact of physical control of the land parcel concerned for 20 (twenty) years or more successively by the registration applicant and his predecessors, Provided that such control is carried out in good faith and openly by the person concerned as entitled to the land, and is corroborated by the testimony of a trustworthy person. The provision explains that if the right holder cannot provide proof of ownership either in the form of written evidence or other reliable forms. Therefore, in such a case, bookkeeping of rights can be carried out not based on proof of ownership but based on evidence of physical possession that has been carried out by the applicant and his predecessor. The bookkeeping of rights under this paragraph must be qualified, namely that the possession and use of the land concerned is carried out in real and in good faith for 20 years or more consecutively; the fact of tenure and use of the land as long as it is inviolable and therefore considered recognized and justified by the customary law

¹⁵ Angger Sigit Pramukti dan Erdha Widyanto, *Awas Jangan Beli Tanah Sengketa-Panduan Mengurus Peralihan Hak Atas Tanah Secara Aman* (Yogyakarta: Pustaka Yustisia, 2015).

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community or the village/kelurahan concerned; they are corroborated by the testimony of trustworthy people; have been given the other party the opportunity to raise objections through announcement; research has also been conducted on the truth of the things mentioned above; Finally, the conclusion regarding the status of land and its rights holders is set forth in a decision in the form of recognition of the rights concerned by the Adjudication Committee in systematic land registration and by the Head of the Land Office in sporadic land registration.¹⁶

The nature of proving certificates is also regulated in Article 32 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration that a certificate is a certificate of proof of rights that applies as a strong proof of physical data and juridical data contained therein, if the physical data and juridical data are in accordance with the data contained in the relevant measuring letter and land rights book. Land rights certificates issued in fact still contain weaknesses regarding legal certainty of their rights because they can still be disputed by other legal subjects both personally and in groups (communities). Often incorrect information is found related to physical data and juridical data on a piece of land which results in *overlapping* certificates or overlapping land layout either partially or wholly either with land rights such as Property Rights, Building Use Rights, Business Use Rights, Use Rights and Management Rights. As a result of the issuance of overlapping certificates, it causes legal consequences, namely the absence of certainty which certainly causes losses and leads to the cancellation of certificates.

The legal construction that is built by Government Regulation Number 24 of 1997 concerning Land Registration is to ensure legal certainty in the issuance of a certificate of land rights, which includes certainty of objects, certainty of rights and certainty of legal subjects. The issuance of overlapping certificates can cause, among others, ownership chaos, legal disputes, legal uncertainty, criminal acts for the use of fake certificates that harm the original certificate owner or other parties' public distrust of certificates. The legal consequences of overlapping certificates do not provide legal certainty, because the purpose of a person registering land is to obtain a certificate as a perfect proof tool. But with the emergence of overlapping certificates, it creates legal uncertainty in terms of land registration. It is said to provide no legal certainty because no two legal statuses reside on one land (the same object). Because the certificate of land rights should be a sign of proof of ownership of strong land rights, but how can it be said to be strong if there are two certificates whose land objects are the same, which one is considered strong that can guarantee legal certainty of land rights.

Land bodies that issue objects of dispute by not applying the applicable regulatory procedures regarding land registration and the non-application of the General Principles of Good Governance, especially the Principle of Accuracy and the Principle of Legal Certainty as explained by the presentation, cause a blurring of the legality / validity of the certificate issued.¹⁷ Maladministration and violation of procedures committed by the Land Agency due to overlapping certificates will have an impact on one of these certificates can be canceled in accordance with the provisions in Law of the Republic of Indonesia Number 30 of 2014 concerning Government Administration Article 66 related to the Cancellation of State Administrative Decisions.¹⁸

The perspective of the general principles of good governance which is the basis for the principle of legal certainty regarding the issuance of overlapping certificates in different years, then this is the basis for assessing the existence of legal certainty. If there is a problem with the issuance of a certificate of land rights by the government, it is resolved in the State Administrative Court. The overlapping certificates in the guidelines for the compilation of chambers in the Supreme Court, especially the State Administrative chamber on page 179, it is also affirmed that the test of the validity of certificates on land by the State Administrative Court in the case of certificates on overlapping land, the Judge can cancel the certificates issued later provided that the proof of the certificate that first mastered the physical land in good faith or the history of rights in its control is clear and not disconnected or the procedure for issuing certificates in advance is in accordance with applicable laws.

The Land Agency may cancel the certificate if there are 2 (two) land certificates with indicators referring to the issuance tested by the State Administrative Court with reference to the government administration law, the rules, general principles of good governance known in administrative law state that the validity of decisions issued by the government is based on 3 (three) things, namely authority, procedure, and substance. When viewed from the authority to issue certificates to be the authority of the land office, but if we talk about the procedure of substance according to what is not it becomes a matter that is tested, therefore if there is an overlapping decision where the second one conflicts with the procedure on land registration in the regulation of the Minister of Agrarian State No. 3 of 1997, then if it is stated that there is a procedural defect with respect to that issue or inappropriate substance, The certificate issued by the land office is declared invalid so that it can be canceled by the land office of its validity. The overlapping or overlapping certificates issued by the land agency in carrying out the land registration process must certainly

¹⁶ B Belladina, Y. Pujiwati, dan B. Rubiati, "Kepastian Hukum Produk Pendaftaran Tanah Sistematis (PTSL) Terkait Tumpang Tindih Sertifikat (Overlapping) Serta Penerapan Asas Iktikad Baik Dalam Penguasaan Pemanfaatan Lahan Overlap," *Juris and Society: Jurnal Ilmu Sosial dan Humaniora*, 119-130, 1, no. 1 (2021).

¹⁷ Indroharto, *Usaha Memahami Undang-Undang Tentang Peradilan tata Usaha Negara* (Jakarta: Pustaka Sinar Harapan, 1993).

¹⁸ Boedi Harsono, *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria Isi dan Pelaksanaannya* (Jakarta: Djamban, 2007).

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collect physical data and juridical data to be categorized as an administrative defect which then has implications for the nullity or invalidity of the decision, juridical defective implications in the form of invalidity of the issued, if the decision is invalid it can have implications that it has no legal force by therefore what must then be a concern, administrative defects and juridical defects concerning procedures referring to the issuance of State Administrative Decisions so as to have implications for the invalidity of decisions issued by the government. There are 3 (three) ways of cancellation of land rights, namely cancellation of land rights due to administrative law defects issued due to applications; cancellation of land rights due to defects in administrative law issued in the absence of an application; cancellation of land rights due to carrying out court decisions with permanent legal force.¹⁹

Position of the Land Agency in the Case of Overlapping Certificates

Certificates of overlapping land rights are certificates issued by the National Land Agency due to data collection errors when measuring and mapping land, so that overlapping certificates are issued that have an impact on the occupation of land as a whole or part of land owned by others.²⁰ The issuance of a land title certificate should be adjusted to the previously attached land status, it means that if a certificate of right is issued on land whose land status is substantially land that cannot be attached by a right according to law, then from the aspect of public law the certificate is said to be a state administrative decision that is materially defective. It also means that the certificate contains legal defects so that the certificate will not guarantee legal certainty. The absence of legal certainty of the subject of rights also causes the realization of a guarantee of legal certainty of land rights certificates. This is influenced by the certainty of legal subjects as holders of land rights (subject of rights), because from the study of the certainty of the subjects of this right will at least answer about who is entitled or not in the control, ownership, and utilization of a piece of land.²¹

The existence of land that has been certified by the National Land Agency and then there is a change in spatial planning by the City Government, resulting in new tenures (the law states that after 20 years of tenure it can become land rights) causing overlapping certificates. Overlapping certificates clearly result in legal uncertainty for land rights holders that are highly unexpected in the implementation of land registration in Indonesia.²² The implementation of land registration will produce a final product, namely in the form of a certificate as proof of ownership of land rights. But in its implementation, there must be obstacles, both in the implementation of administration and from the community itself. There are still people who do not really understand the importance of land collection. Land rights holders are entitled to obtain authentic, legally enforceable evidence of their land ownership from the competent institution, namely the National Land Agency.²³

Before measuring a piece of land, the boundary of the land parcel concerned is first determined. To obtain physical data, the parcels of land to be mapped are measured, after which they are located, their boundaries and according to their needs are placed boundary marks in each corner of the land parcel concerned. This is regulated in Article 17 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration. In paragraph (2), regarding the delimitation of land parcels in systematic land registration and sporadic land registration, boundary arrangement is sought based on the agreement of the interested parties. In this case, it means the need for the knowledge and consent and cooperation of the neighbors bordering the parcel of land concerned to be measured. The placement of boundary marks, in paragraph (3) including their maintenance, shall be carried out by the holder of the land title concerned. The obligation to install and maintain boundary signs, intended to avoid disputes or disputes over land boundaries with owners of adjacent land parcels in the future. The delimitation is carried out by the landowners and the owners of the bordering land. But this step will certainly be hampered because low public interest in land registration will certainly have an impact on measuring and delimitation activities of land parcels to be carried out, it can also affect the difficulty of residents to be asked for payment for pre-registration activities, such as stamp duty, the cost of providing boundary marks, and other land pre-registration costs that are supportive to be carried out in the next stage of land registration.²⁴

The National Land Agency is an institution or institution in Indonesia that is given the authority to carry out the mandate in managing land. The government has strengthened the role and position of BPN through Deputy V who specifically reviews and

¹⁹ Hasan Basri Natamanggalan dan Sarjita, *Pembatalan dan Kebatalan Hak Atas Tanah* (Yogyakarta: Tugujogja Pustaka, 2005).

²⁰ Edi Pranjoto, *Antinomi Hukum Pembatalan Pemberian Hak Atas Tanah Oleh Peradilan Tata Usaha Negara Dan Badan Pertanahan Nasional* (Bandung: Utama, 2006).

²¹ Belladina, Pujiwati, dan Rubiati, "Kepastian Hukum Produk Pendaftaran Tanah Sistematis (PTSL) Terkait Tumpang Tindih Sertifikat (Overlapping) Serta Penerapan Asas Iktikad Baik Dalam Penguasaan Pemanfaatan Lahan Overlap."

²² Pranjoto, *Antinomi Hukum Pembatalan Pemberian Hak Atas Tanah Oleh Peradilan Tata Usaha Negara Dan Badan Pertanahan Nasional*.

²³ Ali Achmad Chomzah, *Hukum Agraria Pertanahan Indonesia* (Jakarta: Prestasi Pustaka, 2004).

²⁴ Anggraeny Arief, "Pelaksanaan Asas Kontradiktur Delimitasi dalam Proses Pendaftaran Tanah Sistematis Lengkap," *Jurisprudentie: Jurusan Ilmu Hukum Fakultas Syariah dan Hukum* 5, no. 1 (8 Juni 2018): 206–15, <https://doi.org/10.24252/jurisprudentie.v5i2.5812>.

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resolves land disputes and conflicts. The national land agency has efforts to act in land disputes based on applicable regulations and pays attention to the sense of justice and respects the rights and obligations of each party. The National Land Agency has a mechanism to handle disputes in the form of overlapping land ownership.²⁵ The purpose of dispute resolution by BPN is to provide legal certainty and justice regarding the control, ownership, use and utilization of land. It can be explained that land rights that occur based on the determination of granting rights from authorized officials, registration of land rights is a condition for the birth of land rights concerned.²⁶ In this reform era, the position of the National Land Agency as the only institution or institution given the authority (trust) to carry out the mandate in managing land parcels is recognized normatively through Presidential Regulation No. 10. Year 2006 about the National Land Agency. Article 2 of the Presidential Regulation states that the national land agency has governmental duties in the land sector nationally, regionally, and sectorally.²⁷

Everyone can sue or file a lawsuit against the state if the state commits an unlawful act (*onrechtmatigdaad*) that someone can bring a lawsuit against the ruler. If the decision of the competent authority is considered unfair. Many regulations guarantee citizens the exercise of their rights to bring charges before the courts if their fundamental rights or freedoms are violated.²⁸ Thus, personal responsibility for the issuance of the Decree on the cancellation of the Land Title Certificate is not only limited to administrative responsibility but also includes civil liability. This is because the provisions of laws and regulations regarding sanctions that can be given to the Head of the Land Office only include administrative sanctions, namely as stipulated in Article 63 of Government Regulation No. 24 of 1997, that "the Head of the Land Office who in carrying out his duties ignores the provisions in this Government Regulation and the provisions in its implementing regulations and other provisions in the implementation of duties of land registration activities subject to administrative sanctions in accordance with applicable laws and regulations" and regulated in the Regulation of the Head of the National Land Agency No. 3 of 2011 concerning Management, Assessment and Handling of Land Cases, only regulated regarding administrative sanctions, namely in Article 80 paragraph (3) "Errors in the process of handling land cases due to negligence of employees or officials of the National Land Agency are administrative violations that can be subject to administrative sanctions". In the practice of criminal liability is closely related to intentional acts (*dolus*), and/or due to negligence (*culpa*), proof in the existence of intentionality or negligence must be proven by existing data, for example about the preparation of physical data and juridical data in land registration, suspected of errors in the determination of boundary monuments/pegs that meet technical requirements in accordance with laws and regulations.²⁹

Of course, to minimize the occurrence of errors that have an impact on the sanctions that will be received by the National Land Agency. The National Land Agency established the Land Data and Information Center (Pusdatin). Land disputes such as overlapping double certificates occur due to the negligence of the landowner himself and the negligence of the authorized officials in registering certificates. Lack of accuracy in managing administration so that there is often overlap, but at this time it should be overcome with the existence of a Complete Systematic Land Registration Program. In this program, it can be seen digitally that land is safe from disputes and land that is in dispute. This Complete Systematic Land Registration Program can also reduce land disputes if the implementation of the Complete Systematic Land Registration is carried out in a correct and meticulous manner because it takes a long time to manage data collection and processing.³⁰ Systematic land registration is the first land registration activity carried out simultaneously covering all land registration objects that have not been registered in the area or part of a village/kelurahan. Systematic land registration is based on a work plan and is carried out in areas determined by the Minister based on Article 1 paragraph (2) of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration, it is explained that Complete Systematic Land Registration, hereinafter abbreviated as Complete Systematic Land Registration, which is a Land Registration activity for the first time which is carried out simultaneously or simultaneously for all objects of Land Registration throughout the territory of the Republic of Indonesia in one village/kelurahan area or other name often with it, which includes the collection and determination of the correctness of physical data and juridical data regarding one or several objects of Land Registration for the purposes of registration.³¹ Constraints in Complete Systematic Land Registration can be identified in the reporting stage where they must be resolved and are the responsibility of the National Land Agency if they occur due to the fault of the National Land Agency during the implementation of the Complete Systematic Land Registration. In the implementation of the Complete Systematic Land Registration, the National Land Agency is only responsible for errors

²⁵ Darwis Anatami, "Tanggung Jawab Siapa, Bila Terjadi Sertifikat Ganda Atas Sebidang Tanah," *Jurnal Hukum Samudra Keadilan* 12, no. 1 (19 September 2017): 1-17.

²⁶ Florianus Sangsun, *Tata Cara Mengurus Sertifikat Tanah* (Jakarta: Visi Media, 2007).

²⁷ Bernhard Limbong, *Konflik Pertanahan* (Jakarta: Margaretha Pustaka, 2012).

²⁸ Bahder Johan Nasution, *Negara Hukum dan Hak Asasi Manusia*, Cetakan Pertama (Bandung: CV. Mandar Maju, 2011).

²⁹ Lukman Hakim, *Filosofi Kewenangan Organ Lembaga Daerah, Perspektif Teori Otonomi & Desentralisasi dalam Penyelenggaraan Pemerintahan Negara Hukum dan Kesatuan* (Malang: Setara Press, 2012).

³⁰ Anatami, "Tanggung Jawab Siapa, Bila Terjadi Sertifikat Ganda Atas Sebidang Tanah."

³¹ Jayadi Setiabudi, *Tata Cara Mengurus Tanah, Rumah Serta Segala Perizinannya* (Jakarta: Suka Buku, 2012).

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committed by the adjudication committee of the National Land Agency during the implementation of the Complete Systematic Land Registration.

LEGAL PROTECTION AGAINST OWNERSHIP OF PROPERTY RIGHTS CERTIFICATES THAT OVERLAP WITH BUSINESS USE RIGHTS CERTIFICATES

Forms of Legal Protection against Certificate Ownership

Legal protection is the protection of dignity and dignity as well as recognition of human rights possessed by legal subjects in the rule of law from arbitrariness.³² Ownership of a piece of land basically has all the legal force in it, both legal certainty from the ownership of rights, physical land, or a legal protection for the legal owner of the land from interference or other land disputes. According to Hans Kelsen, law is a system of norms, norms are statements that emphasize aspects of what should or *das sollen* by including some rules about what should be done. Norms are deliberative human products and actions. Laws that contain general rules become guidelines for individuals to behave in society, both in relations with fellow individuals and in relations with society. These rules become restrictions for the community in burdening or acting against individuals, the existence of these rules and the implementation of these rules creates legal certainty.³³ The sentence in article 3 in Government Regulation No. 24 of 1997 explains that a Land Registration is very identical as a guarantee of obtaining legal certainty in the land sector. The definition of land registration is stated in the sentence in Article 1 number (1) of Government Regulation No. 24 of 1997, namely that land registration activities have the aim of guaranteeing legal certainty and certainty of land rights, namely land rights holders to simply prove who is authorized to own the land, through a land certificate.³⁴

The form of ownership that has been issued by the National Land Agency in the form of a land certificate becomes valid and strong proof of ownership if the possibility of disputes or problems involving the land is not absolute evidence, according to the sentence of article 32 paragraph (2) of Government Regulation No. 24 of 1997. Certificates have strong evidence because the information contained in a certificate must also be accepted as justified information as long as there is no evidentiary tool that can prove otherwise.³⁵ Article 32 paragraph (2) of Government Regulation Number 24 of 1997 still cannot provide legal protection and certainty for holders of land rights certificates, because there is a conflict between Government Regulation Number 24 of 1997, and the Basic Agrarian Law, namely Article 19 paragraph (2) point c of the Basic Agrarian Law, states that the end of land registration activities carried out by the Government is the provision of proof of rights, which acts as a powerful evidentiary tool. The sentence as a strong evidentiary tool, in this article refers to the negative publicity system, thus there is a conflict between the Basic Agrarian Law and Government Regulation Number 24 of 1997 concerning land registration. As Article 7 paragraph (2) of Law Number 11 of 2011 as amended by Law Number 15 of 2019 Amendments to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations which reads; legal force of laws and regulations in accordance with the hierarchy as referred to in paragraph (1).³⁶ In essence, the land title certificate, in which contains two elements, namely physical data that explains the location, as well as the boundaries, area, and physical information of the land and the burden that exists on the land; Juridical data, which explains the types of rights such as property rights, building use rights, business use rights, use rights, rental rights, and management rights, as well as the name of the right holder.³⁷

Dispute Resolution of Overlapping Certificates

The mechanism for resolving legal disputes over land is generally the same as civil dispute resolutions. Land disputes that occur usually end up in court, although there have been mediation efforts made by both parties or involving a third party here is the National Land Agency. The National Land Agency is a Non-Ministerial Government Institution under and responsible to the President and headed by the Head. The National Land Agency has the task of carrying out government duties in the land sector nationally, regionally, and sectorally in accordance with the provisions of laws and regulations. The Land Agency functions to formulate Land Tenure and Use Policy and Planning, formulate Land Tenure Regulation Policy and Planning with the principles that land has social functions as stipulated in the Basic Agrarian Law, carry out Measurement and Mapping and Land Registration

³² Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat di Indonesia: Sebuah Studi tentang Prinsip-Prinsipnya, Penanganannya oleh Pengadilan dalam Lingkungan Peradilan Umum dan Pembentukan Peradilan Administrasi Negara* (Surabaya: PT. Bina Ilmu, 1987).

³³ Shinta Novi Wardhani, "Kekuatan Hukum Sertifikat Hak Atas Tanah Dikaitkan dengan Kepastian Hukum dalam Pendaftaran Tanah," *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam* 25, no. 1 (2018).

³⁴ Aartje Tehupeior, *Pentingnya Pendaftaran Tanah di Indonesia* (Jakarta: Penebar Swadaya Grup, 2012).

³⁵ Sutedi, *Peralihan Hak atas Tanah dan Pendaftarannya*.

³⁶ Arie Lestario dan Erlina, "Sistem Pendaftaran Tanah Yang Memberikan Perlindungan Hukum Bagi Pemegang Sertifikat Hak Atas Tanah Di Indonesia," *Notary Law Journal* 1, no. 1 (22 Februari 2022): 1-30, <https://doi.org/10.32801/nolaj.v1i1.1>.

³⁷ Philipus M. Hadjon, *Pengantar Hukum Administrasi Indonesia (Introduction to The Indonesian Administration Law)* (Yogyakarta: Gadjah Mada University Press, 2005).

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to provide certainty of land rights. In the regulation, the basis for the establishment of the National Land Agency is Presidential Decree Number 26 of 1988, as an operational guide for the National Land Agency, the head of this institution then issued Decree No. 11 / KBPN / 1988 juncto Decree of the Head of the National Land Agency Number 1 of 1989 concerning the Organization and Work Procedures of the National Land Agency in Provinces and Districts / Intermediate Cities. Normatively, the National Land Agency is the only institution or institution in Indonesia that is given the authority to carry out the mandate in managing land parcels, in accordance with Presidential Regulation Number 10 of 2006 concerning the National Land Agency which states that the National Land Agency carries out tasks in the land sector nationally, regionally, and sectorally.³⁸

The National Land Agency always strives for solutions to resolve land disputes based on applicable laws and regulations by considering the sense of justice and respecting the rights and obligations of each party. The dispute resolution steps that they or the National Land Agency take are deliberations. Likewise, in overlapping certificate disputes, the National Land Agency is also authorized to negotiate, mediate, and facilitate the disputing parties and initiate an agreement between the parties. and regional offices of the National Land Agency, namely in Provinces and Districts/Municipalities, can only arrive at a decision on solving problems, while the follow-up of land administration is still carried out by the National Land Agency.³⁹

Settlement of land disputes is not only carried out by the National Land Agency but can also be resolved by the General Court and State Administrative Court. If the general court focuses more on civil and criminal matters in land disputes, it is different from the state administrative court that resolves land disputes related to decrees issued by the National Land Agency or other regional officials related to land. In accordance with the prevailing laws and regulations in Indonesia, in general, the settlement of land disputes related to ownership disputes or disputes that occur between individuals is submitted to the general court, disputes over decisions of the National Land Agency are carried out through the District Court or the State Administrative Court. Filing a lawsuit in the State Administrative Court can be done if the overlapping certificate case occurs between individuals and agencies or agencies with individuals. Parties to a dispute may lodge a complaint with their local National Land Board. Regarding the complaint, the Minister received complaints related to problems and conflicts in the public. The complaint is addressed to the Head of the Office of the National Land Agency in written form either through the complaint place, letter, or the Minister's website. The complaint is notified to the head of the Regional Office of the National Land Agency as well as/or the minister, the complaint file is forwarded to the head of the land office.⁴⁰

In practice, usually the Head of the Land Office as the Defendant will provide legal representation to the Head of the Conflict and Case Disputes Section, the Head of Cases and the Head of Disputes and Conflicts and the staff appointed to represent the Head of Office before the court. During the examination process in the Court, the legal representative of the Head of Office will maintain the certificate issued and to support it, the legal representative of the Head of Office will advise the Council of Judges to summon the holder of the title certificate to the land that is the object of dispute to participate as a party to the case, so that the right holder can defend his interests before the court. The Head of the Land Office and the rights holder jointly and mutually support the certificate of the object of dispute until the last legal remedy. While waiting for the court decision until a decision with permanent legal force, it is prohibited for the Head of Office to make mutations on the land concerned. This is to avoid problems in the future that cause losses to the litigants. For this reason, the Head of the Land Office must apply the general principles of good governance, namely, to protect all interested parties while waiting for a decision that has permanent legal force stating a valid or unenforceable certificate as evidence of rights.

Letters of proof of rights given in the form of certificates of land rights are said to be a strong evidentiary tool, this means that the information contained in the certificate has legal force that must be accepted as true information by the judge if it cannot be proven otherwise by other parties. If the other party can prove otherwise, then the authority to decide which proof is correct is the court.

D. CONCLUSION

The overlapping position of the certificate of Property Rights with Right to Use is that there is no power and does not provide legal certainty, because the purpose of a person registering land is to obtain a certificate as a perfect proof tool. The overlapping or overlapping of the Certificate of Property Rights with the Certificate of Right to Use issued by the land agency is categorized as an act of administrative defect which then has implications for the cancellation or invalidity of the decision to issue one of the certificates. The judge may cancel the certificate issued later provided that the proof of the certificate that first took physical possession of the land in good faith or the history of rights in its control is clear and uninterrupted or the procedure for issuing the

³⁸ Beby Ista Pranoto dan Sunarno, "Upaya Hukum Penyelesaian Sertipikat Hak Atas Tanah Ganda di Kota Yogyakarta," *Media of Law and Sharia* 1, no. 3 (29 Agustus 2020): 176–86, <https://doi.org/10.18196/mls.v1i3.9500>.

³⁹ Pranoto dan Sunarno.

⁴⁰ Alifia Devi Erfamiati, Komang Febrinayanti Dantes, dan Si Ngurah Ardhya, "Upaya Penyelesaian Sengketa Hak Atas Tanah Terhadap Kepemilikan Sertifikat Ganda Di Badan Pertanahan Nasional Kabupaten Karangasem," *Jurnal Komunitas Yustisia* 5, no. 2 (26 Agustus 2022): 431–49, <https://doi.org/10.23887/jatayu.v5i2.51661>.

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certificate in advance is in accordance with applicable legislation. The National Land Agency, which will then be given the burden of enforcing the Court's decision by determining the Certificate to have invalid legal standing, must also remove it from the land book register.

The government provides preventive protection where before issuing a State Administration decree in this case, the National Land Agency will provide various kinds of announcements intended so that the public is given the widest possible freedom of information, so that if there are parties who feel aggrieved by the decision, interested parties can find out this information and no claims occur in the future after the issuance of overlapping certificates overlapped by the National Land Agency. The government also provides repressive legal protection by providing opportunities for parties who feel aggrieved their rights to file a lawsuit with the District Court or the State Administrative Court regarding land tenure or the issuance of overlapping certificates. So that the National Land Agency must be more careful and more selective in registering land for land rights that will register and for the community to optimize the use of land owned so that it is not used by other irresponsible parties.

REFERENCES

- 1) Anatami, Darwis. "Tanggung Jawab Siapa, Bila Terjadi Sertifikat Ganda Atas Sebidang Tanah." *Jurnal Hukum Samudra Keadilan* 12, no. 1 (19 September 2017): 1–17.
- 2) Arief, Anggraeny. "Pelaksanaan Asas Kontradiktur Delimitasi dalam Proses Pendaftaran Tanah Sistematis Lengkap." *Jurisprudentie: Jurusan Ilmu Hukum Fakultas Syariah dan Hukum* 5, no. 1 (8 Juni 2018): 206–15. <https://doi.org/10.24252/jurisprudentie.v5i2.5812>.
- 3) Belladina, B, Y. Pujiwati, dan B. Rubiati. "Kepastian Hukum Produk Pendaftaran Tanah Sistematis (PTSL) Terkait Tumpang Tindih Sertifikat (Overlapping) Serta Penerapan Asas Iktikad Baik Dalam Penguasaan Pemanfaatan Lahan Overlap." *Juris and Society: Jurnal Ilmu Sosial dan Humaniora*, 119-130, 1, no. 1 (2021).
- 4) Chomzah, Ali Achmad. *Hukum Agraria Pertanahan Indonesia*. Jakarta: Prestasi Pustaka, 2004.
- 5) Erfamiati, Alifia Devi, Komang Febrinayanti Dantes, dan Si Ngurah Ardhya. "Upaya Penyelesaian Sengketa Hak Atas Tanah Terhadap Kepemilikan Sertifikat Ganda Di Badan Pertanahan Nasional Kabupaten Karangasem." *Jurnal Komunitas Yustisia* 5, no. 2 (26 Agustus 2022): 431–49. <https://doi.org/10.23887/jatayu.v5i2.51661>.
- 6) Gayatri, Ni Made Silvia, I. Putu Gede Seputra, dan Luh Putu Suryani. "Pembatalan Sertifikat Hak Milik Atas Tanah Akibat Cacat Administrasi." *Jurnal Analogi Hukum* 3, no. 1 (16 Maret 2021): 79–83. <https://doi.org/10.22225/ah.3.1.2021.79-83>.
- 7) Hadjon, Philipus M. *Pengantar Hukum Administrasi Indonesia (Introduction to The Indonesian Administration Law)*. Yogyakarta: Gadjah Mada University Press, 2005.
- 8) ———. *Perlindungan Hukum Bagi Rakyat di Indonesia: Sebuah Studi tentang Prinsip-Prinsipnya, Penanganannya oleh Pengadilan dalam Lingkungan Peradilan Umum dan Pembentukan Peradilan Administrasi Negara*. Surabaya: PT. Bina Ilmu, 1987.
- 9) Hakim, Lukman. *Filosofi Kewenangan Organ Lembaga Daerah, Perspektif Teori Otonomi & Desentralisasi dalam Penyelenggaraan Pemerintahan Negara Hukum dan Kesatuan*. Malang: Setara Press, 2012.
- 10) Harsono, Boedi. *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria Isi dan Pelaksanaannya*. Jakarta: Djamban, 2007.
- 11) Indroharto, Indroharto. *Usaha Memahami Undang-Undang Tentang Peradilan tata Usaha Negara*. Jakarta: Pustaka Sinar Harapan, 1993.
- 12) Laurent, Melinda. "Pembatalan Sertifikat Hak Atas Tanah Tanpa Melalui Putusan Pengadilan." Tesis, Universitas Lambung Mangkurat, 2022.
- 13) Lestario, Arie, dan Erlina Erlina. "Sistem Pendaftaran Tanah Yang Memberikan Perlindungan Hukum Bagi Pemegang Sertifikat Hak Atas Tanah Di Indonesia." *Notary Law Journal* 1, no. 1 (22 Februari 2022): 1–30. <https://doi.org/10.32801/nolaj.v1i1.1>.
- 14) Limbong, Bernhard. *Konflik Pertanahan*. Jakarta: Margaretha Pustaka, 2012.
- 15) Lubis, Muhammad Yamin, dan Rahim Lubis. *Hukum Pendaftaran Tanah*. Edisi Revisi. Bandung: CV. Mandar Maju, 2010.
- 16) Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana, 2008.
- 17) Nasution, Bahder Johan. *Negara Hukum dan Hak Asasi Manusia*. Cetakan Pertama. Bandung: CV. Mandar Maju, 2011.
- 18) Natamanggala, Hasan Basri, dan Sarjita Sarjita. *Pembatalan dan Kebatalan Hak Atas Tanah*. Yogyakarta: Tugujogja Pustaka, 2005.
- 19) Oktori, Pifek. "Peran Tanah Bagi Kehidupan." Diakses 2 Januari 2023. <http://oriwokis20.blogspot.com/2012/09/peran-tanah-bagi-kehidupan.html>.
- 20) Pramukti, Angger Sigit, dan Erdha Widyanto. *Awas Jangan Beli Tanah Sengketa-Panduan Mengurus Peralihan Hak Atas Tanah Secara Aman*. Yogyakarta: Pustaka Yustisia, 2015.

Implications of Ownership Certificates that Overlap with Business Use Rights Certificates

- 21) Pranjoto, Edi. *Antinomi Hukum Pembatalan Pemberian Hak Atas Tanah Oleh Peradilan Tata Usaha Negara Dan Badan Pertanahan Nasional*. Bandung: Utama, 2006.
- 22) Pranoto, Beby Ista, dan Sunarno Sunarno. “Upaya Hukum Penyelesaian Sertipikat Hak Atas Tanah Ganda Di Kota Yogyakarta.” *Media of Law and Sharia* 1, no. 3 (29 Agustus 2020): 176–86. <https://doi.org/10.18196/mls.v1i3.9500>.
- 23) Salim, Agus. “Penyelesaian Sengketa Hukum Terhadap Pemegang Sertifikat Hak Milik Dengan Adanya Penerbitan Sertifikat Ganda.” *Jurnal USM Law Review* 2, no. 2 (20 November 2019): 174–87. <https://doi.org/10.26623/julr.v2i2.2269>.
- 24) Sangsun, Florianus. *Tata Cara Mengurus Sertifikat Tanah*. Jakarta: Visi Media, 2007.
- 25) Setiabudi, Jayadi. *Tata Cara Mengurus Tanah, Rumah Serta Segala Perizinannya*. Jakarta: Suka Buku, 2012.
- 26) Soetami, Siti. *Pengantar Tata Hukum Indonesia*. Bandung: PT. Refika Aditama, 2005.
- 27) Supranowo, Supranowo. “Sertifikat dan Permasalahannya.” Jurnal dipresentasikan pada Seminar Nasional Kegunaan Sertifikat dan Permasalahannya, Yogyakarta, 1992.
- 28) Susanti, Dyah Ochtorina, dan A’an Efendi. *Penelitian Hukum*. Jakarta: Sinar Grafika, 2014.
- 29) Sutedi, Adrian. *Kekuatan Hukum Berlakunya Sertifikat Sebagai Tanda Bukti Hak Atas Tanah*. Jakarta: BP. Cipta Jaya, 2006.
- 30) ———. *Peralihan Hak atas Tanah dan Pendaftarannya*. Jakarta: Sinar Grafika, 2013.
- 31) Tehupeior, Aartje. *Pentingnya Pendaftaran Tanah di Indonesia*. Jakarta: Penebar Swadaya Grup, 2012.
- 32) Wardhani, Shinta Novi. “Kekuatan Hukum Sertifikat Hak Atas Tanah Dikaitkan dengan Kepastian Hukum dalam Pendaftaran Tanah.” *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam* 25, no. 1 (2018).



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