

Role of The Supreme Court in Legal Dispute Settlement Against Property Certificate Holders With Multiple Certificate Issuance

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Abstract: - There have been 31,228 land-related cases in Indonesia in the last four years. As much as 37 percent of the total is a matter of dispute. This problem is generally due to overlapping business use rights (HGU). The purpose of this research is to examine the legal certainty of land rights that have dual ownership certificates. The research method used in this paper is a qualitative research method with a normative juridical approach. Settlement through the Court, is carried out if the counseling effort stops or it turns out that there is a fundamental problem that needs to be resolved by another authorized agency, such as a court, it is advisable for the person concerned to submit the matter to the Court. In relation to the dual certificates, the Supreme Court (MA) is of the opinion that if there are two or more certificates on the same land, the valid and legally binding certificate is the certificate issued earlier. There are still not many studies that examine the role of the Supreme Court in resolving legal disputes against property rights certificate holders with the issuance of multiple certificates.

Key-Words: - Certificate Issuance, Supreme Court, Dispute Settlement, Land Rights, Legal, Dual Ownership Certificate

Received: February 8, 2023. Revised: June 9, 2023. Accepted: June 20, 2023. Published: June 30, 2023.

1 Introduction

Land is an important element for humans in living and surviving, for the Indonesian nation which is an agrarian or archipelagic country, land clearly has an important role in the life of everyone, [1]. The 1945 Constitution of the Republic of Indonesia in Article 33 Paragraph 3 states that "Earth, water, space and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people".

In connection with the above, a law was born which further discusses land, namely the State Law of the Republic of Indonesia Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, [2], the regulation contains individual interests that must be balanced so that the main objectives will be achieved, namely prosperity, justice and happiness for the people as a whole is stated in the general explanation of the basic agrarian law regarding the basics of national agrarian law, [3].

In order to guarantee certainty of rights and legal certainty over land, the Basic Agrarian Law has outlined the necessity to carry out land registration throughout Indonesia. According to Ana Silviana,

[4], land registration is a series of activities carried out by the state or government continuously and regulated, in the form of collecting certain information or data in certain areas, processing, storing, and presenting for the benefit of the people in providing legal certainty in the field of law. land, including evidence and maintenance.

Based on Article 19 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, [2], it is stated that there is an obligation that must be carried out by the government as the highest agency to carry out land registration throughout the territory of the Republic of Indonesia in order to provide legal certainty guarantees to land owners in terms of their location, boundaries and area of land, land status, objects entitled to land as well as giving proof of rights in the form of certificates. Provisions for land registration are further regulated in Government Regulation Number 24 of 1997 concerning Land Registration, [5], [6].

Etymologically, the certificate comes from the Dutch "Certificate" which means a letter of evidence or a certificate that proves something. So if it is said that a land certificate is a certificate that proves a

person's rights to a piece of land, or in other words, the fact states that there is a person who owns certain plots of land and the ownership has strong evidence in the form of a letter made by the authorized agency, [7].

Certificates are evidence of land rights issued by the government in the context of carrying out land registration, land rights certificates prove that a person or legal entity has a right to a certain plot of land, while Abdurrahman argues Land certificate is actually nothing but a copy of the Land Book and Measurement Letter which has been sewn into 1 (one) with a cover paper that has been determined by the Minister of Home Affairs or the Director General of Agrarian Affairs and is given to someone who has land rights as proof of rights and evidence. registration of the land in question has been carried out, [8].

According to the provisions of Article 20 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, [2], it is stated that property rights are hereditary, strongest and fullest rights that can be owned by people on land, keeping in mind the provisions in Article 6, [2], so that land should be on property rights. only one certificate of land rights can be issued for one legal subject. But in reality, what often happens in the community is the doubling of land title certificates.

The dual certificate is a plot of land that has more than one certificate with the same object, [9]. A plot of land with dual certificates can lead to legal uncertainty for the parties holding land rights, which is certainly not expected in land registration in Indonesia. Cases of double certificates still often occur in several regions in Indonesia, which results in land certificate holders accusing each other that the certificates they have are true despite the fact that one of the multiple certificates is fake where the object listed on the certificate is not the real one.

According to the news website muslimchoice.com, [10], there have been 31,228 land-related cases in Indonesia in the last four years. As much as 37 percent of the total is a matter of dispute. This problem is generally due to overlapping business use rights (HGU). One example of the case of multiple certificates as seen in the Supreme Court decision no. 170 K/Pdt/2017, [11], involving Hamzah as the plaintiff and Harjanto Jasin, Halim Hermawan, Hadi Jasin, Iceu Astuti, Anke Rubaine, Nussy Nusriany, Venny Risvariny, Yenny Kristiany, Andri Noviar, Ichsan Gautama, and Raya Ilham as the defendants.

In order to obtain legal certainty regarding land rights certificates, one of the dual certificate holders makes a complaint to the National Land Agency as

the authorized institution in the land sector. If the evidentiary process through the National Land Agency does not come to light, then the authority to prove the dual certificates of land rights is continued to the realm of the Court which is considered to be valid.

2 Literature Review

2.1 Land Rights

Law Number 5 of 1960 or known as the Agrarian Law (UUPA), [2], is an affirmation that control and utilization of land, water, and air must be carried out based on the principles of justice and prosperity for the development of a just and prosperous society. This is in line with the 1945 Constitution Article 33 Paragraph 3, [12], which reads "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people."

Based on article 4 paragraph 2 of the UUPA, [13], states that land rights are the right to control by the state which gives the authority to use the land in question including the body of earth and water and the space on it for interests that are directly related to land use within the limits according to law. this law and other higher legal regulations. In addition, the UUPA also regulates agrarian natural resources in general and also regulates the types of land rights. This is stated in Article 16 paragraph 1, [14], which states that land rights are property rights, usufructuary rights, building use rights, usufructuary rights, rental rights, land clearing rights, rights to collect forest products, and other rights.

2.2 Land Registration

Article 19 paragraph 1 of the UUPA, [15], states that land registration is intended to guarantee legal certainty by the Government throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulations. The registration includes measurement of mapping and bookkeeping of land, registration of land rights and their transfer, and providing valid proof of rights documents as strong evidence. The technical basis for land registration is regulated in Government Regulation No. 10 of 1961 concerning land registration, [16], which is enhanced in Government Regulation no. 24 of 1997, [6]. Similar to the LoGA, Government Regulation no. 24 of 1997, [6], explains that land registration is held in order to guarantee legal certainty in the control and use of land. From the land registration will be

produced letters of proof of rights that apply as strong evidence which has been stated in article 9 paragraph 2 letter c, article 23 paragraph 2, article 32 paragraph 2, and article 38 paragraph 2, [17]–[21].

Land registration for the first time is a land registration activity carried out on land registration objects that have not been registered based on Government Regulation Number 10 of 1961 concerning land registration, [4], [16]. Land registration for the first time includes systematic land registration, namely land registration activities for the first time carried out simultaneously covering all land registration objects that have not been registered in the territory or part of the territory of a village/kelurahan and sporadic land registration, namely land registration activities for the first time concerning one or several objects of land registration within the territory or part of the territory of a village/kelurahan individually or in bulk so as to know the legal certainty of land rights that have multiple certificates.

2.3 Duties and Functions of BPN

Presidential Regulation of the Republic of Indonesia Number 48 of 2020 concerning the National Land Agency article 1 paragraph 1 states that the National Land Agency, [22], hereinafter referred to as BPN, is a Non-Ministerial Government Institution which is under and responsible to the president. Article 2, [22], explains that BPN has the task of carrying out government duties in the land sector in accordance with statutory provisions.

In carrying out its duties, BPN carries out the functions described in Article 3, [22], namely:

- a. Formulation and stipulation of policies in the land sector;
- b. Formulation and implementation of policies in the field of land mapping surveys;
- c. Formulation and implementation of policies in the field of determining land rights and registration;
- d. Formulation and implementation in the field of land redistribution, community land empowerment, land use, land management according to spatial plans, and structuring coastal areas, small islands, borders and certain areas;
- e. Formulation and implementation of policies in the field of land acquisition and land development;
- f. Formulation and implementation of policies in the field of controlling and controlling land tenure and ownership, as well as land use and utilization in accordance with spatial planning plans;
- g. Formulation and implementation of policies in the field of shelter and prevention of disputes and conflicts as well as handling of land cases;
- h. Supervision of the implementation of tasks within the BPN environment;
- i. Implementing task coordination, coaching, and providing administrative support to all organizational units within BPN;
- j. Implementation of data and information management on land and agricultural land in a sustainable manner;
- k. Implementation of research and development in the land sector; and
- l. Implementation of human resource development in the land sector.

Based on the description above, the function of BPN is to implement the Basic Agrarian Law in managing or administering land rights according to Law Number 5 of 1960 concerning Basic Agrarian Regulations, [2], [23].

2.4 Proof of Ownership of Land Rights

Ownership of land rights by a person or legal entity must be proven. Every legal act involving the transfer or encumbrance becomes invalid if it is not registered with the designated authorized agency. The receipt is only proof of payment or transaction, the deed of sale and purchase from PPAT cannot be stated as proof of ownership because. Proof of ownership of land rights can be shown by various kinds of evidence, but the strongest proof is through land certificates, [24]. Proof of legal ownership of land is a registered land rights certificate because through land registration it will be known who the holder of land rights is, when the land rights are transferred, and who the new rights holders are including if the land is encumbered with mortgage rights.

2.5 Evidence of Land Rights

The BAL stipulates that the right of ownership, right of cultivation and right of building must be registered according to the provisions referred to in article 19. The registration is a strong means of proof regarding the nullification of rights and the validity of the transfer and assignment of rights, except in the case of such rights. delete it because the time period is over. The certificate of land rights according to article 19 paragraph 2 of the UUPA, [25], is a letter of proof of land rights that is used as strong evidence. Based on Government Regulation Number 10 of 1961, [16], the certificate consists of a copy of the land book containing juridical data and a measuring document containing the physical rights

in question which are bound together in a document cover, [10].

Evidence of ownership of land rights prior to the birth of the UUPA is regulated in Article 24 paragraph 1 of Government Regulation Number 24 of 1997, [6], in the form of written evidence and witness statements and/or statements in question whose truth can be trusted. The written evidence includes:

- a. Grosse deed of eigendom rights issued under the Overschrijvings Ordonnantie (staatsblad 1834-27), which has been affixed with a note that the eigendom rights in question are converted into property rights;
- b. Grosse deed of eigendom rights issued based on the Overschrijvings Ordonnantie (Staatsblad 1834-27) since the enactment of the UUPA until the date of land registration is carried out according to Government Regulation Number 10 of 1961 in the area concerned;
- c. Proof of ownership rights issued based on the relevant Swapraja Regulation;
- d. Certificate of ownership issued based on Minister of Agrarian Regulation No. 9 of 1959;
- e. Decree on the granting of property rights from the competent authority, either before or since the enactment of the LoGA, which is not accompanied by an obligation to register the rights granted, but has fulfilled all the obligations stated therein;
- f. The deed of transfer of rights made under the hand which is affixed with a testimony by the Customary Head/Village/Urban Head made before the enactment of Government Regulation no. 24 of 1997;
- g. Deed of transfer of land rights made by PPAT, whose land has not been recorded;
- h. Waqf pledge deed or waqf pledge made before or since the implementation of Government Regulation No. 28 of 1977;
- i. Minutes of the auction made by the authorized auction official, whose land has not been recorded;
- j. Letter of appointment or purchase of land plots in lieu of land taken by the Government or Regional Government;
- k. Petuk Bumi/Landrete, girik, pipil, ketitir, and Indonesian Verponding taxes before the enactment of Government Regulation No. 10 of 1961;
- l. Land history certificate ever made by the Land and Building Tax Service Office; or
- m. Other forms of written evidence under any name as referred to in Article II, Article VI, and

Article VII of the provisions of the UUPA Conversion.

If the written evidence is incomplete or there is no more evidence of ownership of the land, it can be proven by the fact of physical possession by the applicant or right holder and his predecessors for 20 consecutive years or more, [8].

2.6 Land Dispute

Land disputes are land disputes between individuals, legal entities or institutions that do not have a broad impact. Land dispute cases do not have to be resolved through a court of law, settlement by deliberation is the main option for resolving disputes over multiple certificates of ownership of the same plot of land, [26].

Disputes over land rights arise because of complaints or objections from individuals or legal entities which contain the truth of owning a plot of land which can be demonstrated by selecting a certificate of ownership over a plot of land. Individuals or legal entities will feel that their rights to a disputed plot of land have been impaired if there are multiple certificates for the same land, [26]. In general, land disputes and multiple certificates are caused by various reasons as follows [27].

- a. Lack of information transparency regarding land ownership
- b. The economic value of land and land used by the community as a symbol of social existence in the community, so that everyone uses all means to defend it
- c. Weak regulation even though land disputes are multidimensional
- d. Overlapping decisions issued by interested state institutions regarding the ownership of land rights
- e. Interpretation among the people who cannot distinguish between customary land and land that does not belong to adat or state land
- f. Land reform problems that until now have not been resolved
- g. As well as the existence of natural disasters that cause damage to evidence of ownership of land rights and displacement of land after the disaster
- h. Not utilizing land registration maps and computerized systems that are not yet modern
- i. Dishonesty of village officials and applicants in providing information to BPN
- j. The lack of accuracy by the surveyors and the frequent neglect of the provisions requiring land owners who are directly adjacent to the land being measured to witness the measurement and/or the results of the measurements

witnessed by the owners of the land directly adjacent to the land being measured are different from the map issued by the measuring officer, is a mistake intended by the measuring officer.

3 Research Method

This research is a form of normative juridical law research which is not only descriptive, systematic, and in certain cases a positive legal explanation, but also a legal theory of legal explanation. The purpose of using a normative legal approach in this research is to examine not only existing library materials but also to see cases that have developed in the community as complementary materials. Because this research is juridical normative, the sources and types of data focus on secondary data. Secondary data to find the theoretical basis obtained from the literature that will be used as legal material for research, [28]. The secondary data is data obtained through library research where the data consists of primary legal materials, secondary legal materials and tertiary legal materials, [29].

Analysis of the data in this study, using a qualitative approach, namely an analysis based on the author's understanding of the perception and systematic thinking of the data obtained. Analyzing data in the form of sentences that provide a description of the implementation of the law so that it can be assessed based on legislation, theories or expert opinions and legal logic so that very logical conclusions can be drawn which are the answers to the problems studied.

Sources of data needed in the implementation of this research using secondary data derived from several relevant legal materials include: Primary legal materials which include the 1945 Constitution, UUPA, PP No. 24/1997; Secondary legal materials include the results of scientific research, the work of legal experts and the results of scientific meetings; and tertiary legal materials, namely materials that can provide instructions and explanations for primary and secondary legal materials, such as legal dictionaries. Furthermore, all the data obtained from secondary data were analyzed qualitatively and given an overview of the role of the Supreme Court in resolving legal disputes against holders of property rights certificates with the issuance of multiple certificates.

4 Result

Dual certificates are land that has more than one certificate with the same object. Property rights with dual certificates can create legal uncertainty for land rights holders, which is certainly not expected with land registration in Indonesia. Cases of multiple certificates are still common in several regions in Indonesia, resulting in land certificate holders accusing each other that the certificates they have are correct, even though one of the certificates is not the original. To obtain legal certainty regarding land rights certificates, one of the dual certificate holders submits a complaint to the National Land Agency as the authorized agency in the land sector. If the evidentiary process by the National Land Agency is not revealed, then the power to prove the deed of land rights is transferred to the domain of the court which is considered authorized to provide legal certainty to the right holder and delete one of the certificates. So that only valid certificates are listed in the certificate.

4.1 Solution For Dual Certificate Legal Dispute Resolution

The certificate is proof of the validity of the holder of the land rights mentioned in the deed, unless there is a lack of physical data, the legal force of the deed ends. In the case of legal deficiencies and lack of material data that can lead to multiple certificates, this occurs with deeds that are not mapped incorrectly in the land registration plan by the local Land Office. The emergence of multiple certificates in several cases is caused by the parties as owners of land rights, submitting complaints and objections as aggrieved parties with the appearance of certificates on the same object with the same number but different dates in the year of issuance, while for the size or image situation with the same number and date, as well as the same plot area.

The holders of land rights feel aggrieved so they file a claim against the State Administration in the land sector issued by the head of the provincial office in the land sector, where the issuance of the provincial office's decision violates the rights of the land owner. In some cases of dual certificates in the Hak Milik certificate, there are also administrative errors or deficiencies that result in legal defects in the certificates that appear with the same owner's name, same object and area, the owners of land rights have never asked the Head of the Land Office to issue a certificate. new or authorize others. The Land Office must first examine or examine the certificates issued to determine the cause of the error that occurred so that multiple certificates arise, as

well as to find out what steps need to be taken to minimize losses to the owners of land rights, especially to the actual certificate holders.

Settlement through the Court, is carried out if the counseling effort stops or it turns out that there is a fundamental problem that needs to be resolved by another authorized agency, such as a court, it is advisable for the person concerned to submit the matter to the Court. So, in general, the nature of this dispute stems from a complaint containing a conflict of land rights or other rights over an opportunity or priority or a decision that is detrimental to it. In the end, the settlement must always comply with or based on applicable regulations, pay attention to the interests of the parties, uphold legal justice and seek to resolve this dispute.

Dispute settlement through the courts is a form of dispute resolution that results in a decision (vonnis) that justifies or blames one of the litigants. This is because the courts are given the power to determine who is right and who is wrong. On the other hand, out-of-court dispute resolution based on cultural strength (in the common law system) is aimed at peace and harmony in people's lives. This method of arbitration does not cause consequences for the wrong and right parties and maintains good relations between the disputing parties. Aspects that influence the choice of action in resolving a dispute in the form of factors that influence the behavior, intentions and objectives as mentioned above are basically not independent.

The use of a particular dispute resolution institution in addition to having certain expected goals, also has a certain meaning for its actions. In addition to the relationship between the objectives and the calculation of profit and loss, there is also a relationship between the choice of actions taken and the consequences that will occur. Dispute resolution through the courts is not a compulsion because the law allows the disputing parties to resolve disputes out of court by way of peace.

4.2 The Role of The Supreme Court in The Settlement of Legal Disputes Against Ownership Certificate Holders With The Issuance of Multiple Certificates

Land disputes are one of the most complex matters to reach a settlement point quickly. Settlement of land cases through the courts can even involve more than one court, including the General Court, State Administrative Court and Religious Court. This is because the three judicial institutions have different absolute competencies in resolving land disputes but

can lead to a point of resolving cases that intersect, [30].

In the general court, there is competence in adjudicating land disputes related to disputes over ownership rights due to civil reasons. Meanwhile, in the State Administrative Court, there is competence to adjudicate the validity of land certificates as a decision made by a state administrative official. On the other hand, the Religious Courts also have the competence to adjudicate in cases of land ownership disputes based on inheritance conflicts. Although the three courts have their respective competencies that have their respective scopes, all of these decisions are intended to lead to a settlement point where the value of justice, legal certainty and benefits for justice seekers can be felt, [30].

To deal with concrete cases in land cases that almost always relate to the validity of certificates, judges should be able to seek and find legal principles or principles as stated by Bruggink which states that, "Are there not in the legal system there are fundamental principles underlying it? which are commonly referred to as legal principles and these legal principles contain measures of value (waarde maatstaven), which are rooted in certain values, [31]. So in the context of resolving land disputes related to certificates, these certain values are the value of effectiveness and efficiency which is reflected in the principle of quick, simple and low-cost justice, [32].

In practice, the existing laws and regulations are not sufficient to address all rapidly developing land issues. To address these problems, it is necessary to play the role of jurisprudence as a legal instrument in order to maintain legal certainty, because law is dynamic, both in the normative sense or in the sense of activity, both theoretically and practically. The dynamics of the law are based on various developments that occur in various existing sectors, such as the economic sector, trade sector, political sector, government sector, and so on. Legal developments, especially civil law, need to be addressed by implementing court decisions that have permanent legal force in the form of jurisprudence, [30].

Jurisprudence is a decision of a judicial body with a permanent legal force which contains important legal rules and is believed and followed by other judges in the same element of the case in order to guarantee legal certainty. Jurisprudence as a new legal discovery (rechtsvinding) can answer the problems of social dynamics in society, reflects the direction of legal development and is constantly (repeatedly) followed by other judges. The position of jurisprudence in the Indonesian legal system is a

source of formal law, in addition to statutory regulations, doctrines, treaties, contracts (civil), and customs, [30].

For this reason, so that jurisprudence can play a maximum role in filling the legal vacuum itself, legal considerations and judicial decisions, especially cases related to land rights disputes, must have long-term dimensions and implications for the development of civil law in Indonesia, far beyond legal considerations and decisions against the disputing parties (individuals or civil legal entities with other bodies or officials). In addition, it is also necessary to have the thinking ability and professionalism of judges to improve the quality of consideration in their decisions, by looking at conditions in society that must be adjusted to the principles of civil law and the principles of civil procedural law. It is hoped that the judge's decision will be a source of knowledge and a source of law that is able to answer any legal problems that arise in the community, especially land disputes in Indonesia, [30].

The law enforcement system is not based on a precedent system, but judges are obliged to seriously follow the decisions of the Supreme Court. In addition, judges are obliged to provide good and correct legal considerations in the legal considerations of their decisions, both in terms of legal knowledge, as well as in terms of jurisprudence by considering the decisions of higher judges and/or previous judges' decisions. And if the judge wants to deviate from jurisprudence, the judge concerned is obliged to give reasons and legal considerations for the differences in the facts in the case he is facing compared to the facts in previous cases. With such a mechanism, land dispute cases related to rights and proof of rights whose settlement is not regulated in the applicable laws and regulations, judges can apply jurisprudence so that a fast, simple and low-cost judicial process will be realized and provide certainty. law for justice seekers, [30].

Certificates are letters of proof of land rights, management rights, waqf land, ownership rights to flats and mortgages, each of which has been recorded in the relevant land book (Article 1 number 20 of Government Regulation Number 24 of 1997 concerning Land Registration). Ideally, one plot of land is only registered in one certificate. However, in reality, there are often disputes over land ownership rights that arise because of dual certificates. For the same land, there are more than certificates but different owners. The existence of multiple certificates certainly creates conflict and mutual claims of ownership of the land recorded in

the certificate. Based on Catalog Number 5/Yur/Pdt/2018, if there are multiple certificates on the same land, both of which are authentic, then the strongest proof of rights is the certificate of rights issued first.

In relation to dual certificates, the Supreme Court (MA) is of the opinion that if there are two or more certificates on the same land, the valid and legally binding certificate is the certificate issued earlier. The MA's opinion is stated in the decision no. 976 K/Pdt/2015 (Liem Teddy vs. Kodam III/Siliwangi TNI Army) dated 27 November 2015, [33]. In that decision, the Supreme Court is of the opinion "that in assessing the validity of one of the 2 (two) authentic evidence of rights, the rule applies that certificates of rights issued earlier are valid and have legal force".

This opinion was reaffirmed in decision no. 290 K/Pdt/2016 (Lisnawati vs. Ivo La Bara, et al.) dated 17 May 2016, and decision No. 143 PK/Pdt/2016 (Mrs. Rochadini, et al. Vs Pintardjo Soeltan Sepoetro and Mrs. Janda Mumahhaimawati) dated 19 May 2016, [34], [35]. In the decision, the Supreme Court stated that "if a certificate of dual rights arises, the strongest proof of rights is the certificate of rights issued more than formerly". In 2017, the Supreme Court remained consistent with the above opinion. This can be seen in the Supreme Court's decision no. 170 K/Pdt/2017 (Hamzah vs. Harjanto Jasin, et al.) April 10, 2017; Decision No. 734PK/Pdt/2017 (Minister of Finance of the Republic of Indonesia and Kodam III/Siliwangi TNI Army) dated December 19, 2017; and Decision No. 1318 K/Pdt/2017 (Drs Anak Agung Ngurah Jaya vs Anak Agung Putri and A.A. Ngurah Made Narottama) on 26 September 2017, [11], [36], [37].

Legal considerations of decision no. 734PK/Pdt/2017, [36], states "that if 2 authentic deeds are found, then the certificate issued first is valid and has legal force, Building Use Rights Certificate (SHGB) Number 1458 which was then extended with Building Utilization Rights Certificate (SHGB) Number 46/Kelurahan Babakan Ciamis on the name of Co-Defendant I (PT Propelat) which was later sold by PT Propelat to the Respondent for Judicial Review on February 11, 1993, first obtaining a Right to Use Certificate Number 18 which was issued on November 11, 1998. In addition, the claim for the existence of the dual certificate must also make the local Land Office a defendant or a co-defendant. If the Land Office does not withdraw as a party, the lawsuit must be declared unacceptable, because if the lawsuit is granted it can result in the decision being unable to be implemented. This is confirmed in the

decision of the Supreme Court No. 3029 K/Pdt/2016 dated January 26, 2017 which confirmed the decision of the Sekayu District Court No. 14/Pdt.G/2015/PN.Sky dated December 29, 2015, [38], [39].

5 Conclusion

- 1) Settlement through the Court, is carried out if the counseling effort stops or it turns out that there is a fundamental problem that needs to be resolved by another authorized agency, such as a court, it is advisable for the person concerned to submit the matter to the Court. So, in general, the nature of this dispute stems from a complaint containing a conflict of land rights or other rights over an opportunity or priority or a decision that is detrimental to it. In the end, the settlement must always comply with or based on applicable regulations, pay attention to the interests of the parties, uphold legal justice and seek to resolve this dispute.
- 2) With regard to dual certificates, the Supreme Court (MA) is of the opinion that if there are two or more certificates on the same land, the certificate which is valid and has legal force is the certificate issued earlier.

Acknowledgement:

Thank you to all parties for their support and input in the preparation of this research. All the support and input given is very useful for the perfection of this research.

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Contribution of Individual Authors to the Creation of a Scientific Article (Ghostwriting Policy)

Pri Pambudi Teguh carried out all the process of making the paper.

Sources of Funding for Research Presented in a Scientific Article or Scientific Article Itself

This research did not receive any specific grant form funding agencies in the public, commercial, or not-for-profit sectors.

Conflict of Interest

The authors have no conflict of interest to declare.

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