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LEGAL CONSEQUENCES AND SETTLEMENT OF DOUBLE CERTIFICATES ON LAND PROPRIETARY CERTIFICATES IN AGRARIAN LAW PERSPECTIVE

(Study of Complete Systematic Land Registration (PTSL) in Kediri Regency)

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Abstract: Land is a basic human need that becomes a strategic capital for life. Today, Indonesia has a lot of agendas with agrarian reform. The question of land will never end. With the pattern of land acquisition for development in the public interest along with other land problems, a new body was presented. This body is known as the Land Bank. Land Bank is a special agency (*sui generis*) which is an Indonesian legal entity established by the central government that is given special authority to manage land. The purpose of the land bank is to create a just economy. As a country of law, there are legals that binding on the subject of land banks. Which legal hierarchy about the land bank. Then this land bank is a new one in Indonesia. Certainly a lot to learn and evaluate the performance of the Land bank agency. The new land bank was established in 2021. Therefore, it is felt to help manage the land bank of Indonesia by making comparisons with other countries, namely the United States. Then the formulation of the problem to be discussed is : (1) How is the arrangement of the establishment of land bank in Indonesia? (2) What are the similarities and differences between land banks in Indonesia and the United States?. Research methods in writing this thesis using the type of normative juridical research, meaning that the problems raised, discussed and described in this study focused on applying the rules or norms in positive law. Approach the problem using the legal approach, conceptual approach, comparative approach to legal materials consisting of primary legal materials, secondary and non-legal materials. The results of this thesis research, first, the regulation of land banks in Indonesia is regulated in the Constitution of Republic Indonesia 1945, UUPA, land procurement law for development for the public interest, job creation law, Government Regulation Number 64 of 2021 on Land Bank, Presidential Regulation Number 113 of 2021 on the structure and Organization of Land Bank. Second, the comparison between land banks in Indonesia and the United States certainly has similarities and differences. The equation is in terms of centralized regulation and the location of the land bank. Differences with the United States lie in regulations, types of land banks, parties to land banks, mechanisms for organizing land banks, and objectives.

This study aims and the formulation of the problem is to find out and analyze the Implementation of Complete Systematic Land Registration (PTSL) in Payaman Village, Plemahan District, Kediri Regency, and to find out and analyze the Matters Affecting the Issuance of Multiple Certificates in PTSL in Payaman Village, Plemahan District, Kediri Regency, as well as to find out and analyze the legal consequences and forms of settlement of dual certificates as a result of complete systematic land registration in Payaman Village, Plemahan District, Kediri Regency. This legal research is an empirical legal research. data that Obtained, namely direct research in the field, namely through interviews, then processed and analyzed with descriptive methods using primary data and secondary data. The results of the research on the Implementation of Complete Systematic Land Registration (PTSL) in Payaman Village, Plemahan District,

Kediri Regency were carried out through several stages, namely: Preparation, Counseling, Physical Data Collection, Determination of Land Sector, Implementation of Measurements, Measuring Drawings and Mapping of Land Sector, Collection of Juridical Data, Land Inspection, Announcement and Determination of Rights, Bookkeeping of Rights, Issuance and Submission of Certificates. Matters Influencing the Issuance of Multiple Certificates in PTSL in Payaman Village, Plemahan District, Kediri Regency. according to the author there are several factors or reasons for the occurrence of multiple certificates in the implementation of PTSL in Payaman Village, Plemahan District, Kediri Regency, namely: a) Double printed certificates when correcting NIB validation when the SU form is ready, b) Registration of village letter C using letter C of the land next to it c) When the measurement does not participate in witnessing and determining the boundaries of the land it owns, it only depends on the sub-district head who does not know the boundaries, d) Village officials or village officials participate in registering their siblings to become PTSL participants without any authorization from the applicant, e) The applicant hides that the original certificate is brought by his brother on the grounds that a certificate has not been issued which is assisted by village officials. Legal Consequences and Forms of Completion of Multiple Certificates As a result of Complete Systematic Land Registration in Payaman Village, Plemahan District, Kediri Regency resulted in the following: Causing legal uncertainty regarding the certificates they owned.

Keywords: Dual Certificate, Village, PTSL.

1. Introduction

Legal certainty regarding land rights is legal certainty that is focused on the land sector, especially regarding ownership or control. The existence of legal certainty regarding land rights will provide clarity, among other things ¹

- 1) Certainty regarding the person/legal entity that is the holder of land rights, which is also referred to as certainty regarding the subject of the right.
- 2) Certainty regarding the location, boundaries, extent of being encumbered with other rights or not and so on, in other words it is also called certainty regarding the object of the right.

The system for proving land ownership as stated in Government Regulation Number 24 of 1997 explains that proof of ownership of land rights that is registered gets legal force and certainty after the issuance of a certificate as proof of rights. In practice, land issues in Indonesia are still covered with various kinds of problems.

So that by issuing this certificate it indicates that land registration has been carried out²it is said that: This registration will create benefits due to the implementation of legal land administration. With this comes the following consequences:

1. Provide security guarantees for the owner's use.
2. Encouraging or increasing tax collection by the State.
3. Increasing the function of land as collateral for credit.
4. Improve oversight of the land market.
5. Protecting State land.
6. Reducing land disputes.
7. Facilitating land reform activities.
8. Improving urban planning and advancing infrastructure.
9. Encouraging quality environmental management.
10. Can provide good soil statistical data.

¹ Irwan Soerojo, Legal Certainty over Land Rights in Indonesia, Surabaya, Arkota, 2003, p. 78

² Ibid., p., 205

Multiple certificates are certificates describing the same piece of land. The land parcel is described with 2 (two) or more certificates with different data. This kind of thing is called an overlapping certificate, whether it overlaps the entire plot or part of the land³ The dual certificate, namely a plot of land has more than one certificate,⁴ because it has resulted in legal uncertainty for holders of land rights which is highly undesirable in land registration in Indonesia. one example of a case that occurred in the submission of PTSL in Kediri Regency based on the results of an interview with the head of measurement Tri Widi Nugroho, A⁵ commented on the occurrence of multiple certificates, but the settlement has never been up to court proceedings, he further gave an example that X applied for the PTSL program where in Letter C the village had not been scratched out that there had been a change to the right to said letter C even though letter C ever asked by X's parents to issue a certificate and X's parents died and X's parents were loaned or used as collateral to individuals to borrow money and X's child did not know about it, and X's child did not know that his parents had applied for the certificate the land rights and village officials have not crossed out letter C so that in the PTSL submission process it passes and a certificate is issued in the name of the parent of the land (X's parents). on behalf of X) stating that XY's certificate on the land he occupies is in XY so that in other words 2 certificates are issued on the same (multiple) land. This case is based on XY's report that holding the land certificate, BPN summons both parties to be mediation, so that the problem can be resolved without going to court. and BPN revoked certificates issued through the PTSL program and ratified the old certificate as proof of legal ownership.

Based on the description above, the authors conducted research to gain further knowledge and in-depth knowledge on this matter, the authors chose the title Legal Consequences and Completion of Multiple Certificates Against Land Ownership Certificates in the Perspective of Agrarian Law (Study of Complete Systematic Land Registration (Ptsl) in Kediri Regency).

With the brief description of the background above, there are several problems as follows:

1. How is the Implementation of Complete Systematic Land Registration (PTSL) in Payaman Village, Plemahan District, Kediri Regency.
2. What Matters Affected the Issuance of Dual Certificates in PTSL in Payaman Village, Plemahan District, Kediri Regency
3. Legal Consequences and Forms of Completion of Multiple Certificates Due to Complete Systematic Land Registration in Payaman Village, Plemahan District, Kediri Regency.

2. Method

This research is a juridical-empirical research, a sociological approach that is used in people's lives, especially with regard to land ownership certificates. The research location was in the Payaman Village Government (Pemdes), Plemahan District, Kediri Regency which carried out a complete systematic land registration through the ATR BPN of Kediri

³ Ali Achmad Chomzah, Land Law Series III Land Law – Settlement of Disputes over Land Rights and Land Law Series IV – Land Acquisition of Government Agencies, Jakarta, Prestasi Pustaka, 2003, p. 18

⁴ Soni Harsono, Use of Certificates and Problems, Yogyakarta, National Seminar, 1992, p. 6

⁵ Interview with Tri Widi Nugroho's measurements on May 10, 2022 at 09.00 WIB.

Regency and found multiple certificates. The types of data are primary and secondary, the samples are 3 applicants for disputes about certificates, 5 officials from the ATR BPN of Kediri Regency and 3 village officials. data analysis data analysis method used is qualitative analysis method

3. Overview of Payaman Village, Plemahan District, Kediri Regency

In this study the authors chose the research location in the Payaman Village Government (Pemdes), Plemahan District, Kediri Regency. Payaman Village Area (Pemdes) has an area of 543 ha. The existing land area is divided into several designations, which can be grouped as for public facilities, settlements, agriculture, plantations, economic activities and others. Payaman Village (Pemdes) has a population of 5,208 people, with details of 2,649 men and 2,559 women. This number of residents is grouped into 1,938 households.

Based on the existing data, it can be seen that the majority of the livelihoods of the Payaman Village residents are as farmers. The data also shows that the unemployment rate in Payaman Village is still quite high. Because, based on other data it is stated that the number of residents aged 15-55 who are not yet working is 1,845 people out of a total workforce of around 3,728 people. These figures represent the range of unemployment rates in Payaman Village. Thus, this affects the economy of the people of Payaman Village, which is still relatively low.

This of course also affects other aspects of life. Because the economic conditions of society will affect the survival of each person. Such as education which of course is also influenced by existing economic conditions.

The Head of Payaman Village (Kades) Siti Ika Nurhayati explained, Until now Payaman Village has not become a tourist village, however Pemdes has targeted a location that will later be used as a tourist location in the Village. And you need to know, Payaman Village in 2021 has implemented PTSL with a quota of 1700 fields safely and conductively⁶

4. Implementation of Complete Systematic Land Registration (PTSL) in Payaman Village, Plemahan District, Kediri Regency.

Complete Systematic Land Registration is the process of land registration for the first time, which is carried out simultaneously and covers all land registration objects that have not been registered in a village or sub-district area or other names that are equivalent to that. For the implementation of the PTSL program which is in the Kediri Regency area, not all villages are registered to take part in the program⁷

Based on the results of an interview with Mr. Cipto Subekti⁸, said that: "The implementation of PTSL at the Kediri Regency Land Office is based on Ministerial Regulation Number 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration. In 2021 the Kediri Regency Land Office will receive a quota of 15,000 fields

⁶ The results of the interview with the village head Siti Ika Nurhayati, Payaman Village on 21 November 2022 at 09.00 WIT

⁷ Interview with Village Head Siti Ika Nurhayati on November 22, 2022 at 11.15 WIB

⁸ Interview with Cipto Subekti Head of Subsidi P2 Kediri district land office on November 18 2022 at 09.00 WIT

which are objects of Complete Systematic Land Registration which will be carried out in several villages. And Payaman village will get 1,700 fields in 2021.

The term of work by the Kediri Regency Land Office in this year's Complete Systematic Land Registration program is 1 year from January to December and in this fiscal year the Kediri Regency Land Office completed it in just 5 months.

PTSL results are not always in the form of a certificate, but can also be in the form of a certificate or in the form of a Land Map (PBT) depending on the category/cluster, there are 4 clusters namely⁹:

K1 is a complete file.

K2 is a problematic file, there are overlapping etc.

K3 is an incomplete Juridical File.

K4 is a file of rights that has been registered and has become a certificate, but BPN is still recording it again (renewal).

The several steps taken by each agency related to the Complete Systematic Land Registration program or the Coordination stage between the Kediri Regency Land Office and other agencies, namely¹⁰:

1) Level of the Kediri Regency Land Office After the Head of the Kediri Regency Land Office determined the PTSL location determination, then the Land Office made a letter addressed to the Regional Government that the PTSL Program would be implemented in the area of Payaman Village, Plemahan District, Kediri Regency.

2) Regional Government Level The Regent as the Head of Regional Government after receiving a notification letter gives an order to each Head of the District Office who has been appointed by the Kediri District Land Office for the implementation of the PTSL Program.

3) Sub-District Office Level The Camat as the Head of the District Area, after receiving an order from the Regent of Kediri regarding the determination of the PTSL location in the District area, immediately notifies each Village Head appointed by the Kediri Regency Land Office.

4) Village Office Level After receiving an order from the District Office, the Village Head awaits further coordination from the Kediri Regency Land Office.

The implementation of Complete Systematic Land Registration activities carried out in Kediri Regency was carried out through several stages, namely¹¹

1. Preparation

The Kediri Regency Land Office begins PTSL activities with preparation, up to the submission of certificates, reporting and documentation, the Head of the Kediri Regency Land Office in carrying out these tasks is assisted by 2 teams where the tasks are divided equally in the implementation of this PTSL program. Each team is chaired by an Adjudication Committee and assisted by a representative and several members, namely a juridical data officer and a physical data officer. With the establishment of the Complete

⁹ Interview with Syarifa Naula Husna, S.T, Cadastral Measurement and Mapping Subsection, on November 24 2022 at 10.00 WIB

¹⁰ The results of the interview with Sutendi Kasubsi for the transfer of rights on July 11, 2022 at 10.00 WIB

¹¹ Interview with Ukhi Budi Santoso, A.md, Verivicator of Rights Application Files, on November 23, 2022, 15.00 WIB

Systematic Land Registration Adjudication Committee in order to be able to complete and carry out the acceleration of the Complete Systematic Land Registration in a timely, smooth, orderly and responsible manner, the Adjudication Committee has the following tasks:

- a) Prepare work plan for Complete Systematic Land Registration
- b) Collect physical data and juridical data on all land parcels in the working area of Complete Systematic Land Registration and provide a receipt for the documents to the right holders or their proxies
- c) Provide guidance on the completeness of the requirements for evidence of land ownership that have been regulated by applicable laws
- d) Checking the correctness of physical data and juridical data as evidence of land ownership
- e) Collecting physical data and juridical data on land parcels that have been collected by participants in the Complete Systematic Land Registration
- f) Facilitating the settlement of disputes between one party and another regarding data that has been announced
- g) Validate the results of the announcement of the physical data and juridical data that have been collected by participants in the Complete Systematic Land Registration which will be used as the basis for bookkeeping of rights and registration of rights
- h) Submit reports regularly and submit work results to the Head of the Land Office
- i) Supervise the implementation and work results of the Physical Task Force and Juridical Task Force

2. Counseling

Before carrying out the activities of collecting physical data and juridical data, counseling is first held for prospective participants of Complete Systematic Land Registration to be given an explanation and also material regarding the objectives, benefits, programs and requirements for applying for rights and administrative requirements, objects, subjects, implementation of Complete Systematic Land Registration, the rights and obligations of participants or applicants for Complete Systematic Land Registration in accordance with predetermined regulations. First, extension activities are carried out by the Kediri Regency Land Office by involving village heads whose villages are registered in the Complete Systematic Land Registration program, then will be followed by counseling in every village registered in the Complete Systematic Land Registration program. Before counseling is carried out in Payaman Village and other villages by the Kediri District Land Office, the team officer will notify the committee in the village to convey that counseling will be held regarding the implementation of Complete Systematic Land Registration, the delivery of this information only involves village officials or community leaders related to Complete Systematic Land Registration program in Payaman Village¹²

After the information reached the Payaman Village community, the community was directed to a gathering point to deliver counseling materials represented by a team from the Kediri Regency Land Office to community groups directly and face to face. At the time of counseling in Payaman Village the enthusiasm of the people who attended the

¹² Interview with Anton Deny Aryana, S. Kom, Head of the Land Acquisition Section, November 22, 2022 at 10.00 WIB

counseling activities was quite positive then at the end of the opportunity a question and answer session was opened between implementers and participants of Complete Systematic Land Registration said one of the residents who said he was happy in his village there was a PTSL program which they were really looking forward to¹³

The purpose of this counseling is to inform landowners/participants that in Payaman Village a Complete Systematic Land Registration will be held and also this counseling aims to convey what administrative requirements must be met by the Payaman community and how the mechanism for collecting Physical Data and Juridical Data and financing of the Complete Systematic Land Registration program, not all costs are charged to participants of the Complete Systematic Land Registration, as for the method used by the Kediri Regency Land Office indirectly to convey information in order to obtain optimal results in providing delivery and knowledge and is expected to streamline the activities of the Land Registration program Complete Systematic, namely using:

- 1) Posters affixed to each Payaman Village Office
- 2) Banner, which is placed in front of the entrance of the Kediri District Land Office¹⁴
3. Collection of Physical Data

- 1) Determination of land parcels

Before measuring a plot of land, the applicant must first place boundary signs at the corner points that have been agreed upon by the boundaries of other landowners first.

- 2) Measurement Implementation

As for those who serve as executors of measurement, namely the sub-section of measurement and mapping from the Kediri Regency Land Office accompanied by surveyors and officers from the village, land plot measurements are carried out to determine the geographic location, area, situation of land parcels for certificate attachments. To identify one plot of land and distinguish it from other land parcels, surveyors from the Kediri Regency Land Office are assisted by Officers from the village in reviewing land parcels to make it easier to find and distinguish the plots of land in question accompanied by landowners and adjacent landowners.

- 3) Measuring Drawings and Mapping of Land Planes

Measurement Drawing is a document in which a picture of a plot of land or more is included and the situation around it as well as data on the measurement results of the land parcel. After carrying out the determination of the plot of land, the next step is to make a measuring drawing which contains the results of the measurement data for the plot of land, in the form of distances, angles, coordinate values as well as pictures of the plots and the situation around them.

Measurements are carried out with conditions and technical:

- a) Drawable
- b) Know the location
- c) The area can be calculated. Can be reconstructed. If these requirements are met, it will then be included in the Measurement Drawing and will automatically fulfill the field mapping.

¹³ Interview with Anton Deny Aryana, S. Kom, Head of the Land Acquisition Section, November 22, 2022 at 10.00 WIB

¹⁴ Sugiono waga as well as payaman village officials on November 21, 2022 at 12.13 WIB

Where in the collection of physical data it is obligatory to apply the Contradictory Delimitatie Principle, by requiring land rights holders to pay attention to the placement, determination and maintenance of land boundaries in a contradictory manner or based on the agreement and approval of interested parties, which in this case are the owners of the land bordering the land. it has.¹⁵

4. Juridical Data Collection

The collection of juridical data was carried out by 2 (two) juridical officers appointed by the team leader from the Kediri Regency Land Office. First of all, juridical data starts with data collection by the village committee for the initial data collection of participants in the Complete Systematic Land Registration. After obtaining data from participants who will take part in the Complete Systematic Land Registration program, then proceed with the collection of administrative requirements carried out by the committee from the Kediri Regency Land Office which includes:

- a) The application form that has been filled in and signed by the applicant or his attorney that has been stamped;
- b) power of attorney if authorized;
- c) Photocopy of identity card (KTP);
- d) Copy of family card;
- e) Photocopy of sppt pbb;
- f) The basis of rights (inheritance, grants, sale and purchase or other documents related to land).

If the administrative requirements of the Complete Systematic Registration participants have been collected, then the juridical officer has the right to fill in the forms prepared by the Kediri Regency Land Office followed by entering the juridical data.

5. Soil Inspection

The Land Inspection aims to adjust the physical data and juridical data (applicant's complete documents), as well as the legal relationship between the applicant and the land being applied for. that has been collected and examines whether the land parcels that have been applied for are disputed or not¹⁶. If during the land inspection process the committee finds discrepancies in the physical data and juridical data, then the data from the applicant is returned to be completed first and if it turns out that the status of the land is still floating or in other words still in dispute then the files from the applicant will be returned by the committee¹⁷

6. Announcement and Determination of Rights

After the physical data and juridical data have been received by the committee and declared suitable, the next step is the Kediri Regency Land Office announcing the land for which the rights are being applied for by attaching them to the announcement board located at the Kediri Regency Land Office, Payaman Village Office¹⁸

¹⁵ Interview with Anton Deny Aryana, S. Kom, Head of the Land Acquisition Section, November 22, 2022 at 10.00 WIB

¹⁶ Interview with Idrisa Rofi'i, Measurement and Mapping Survey Data Collector, on November 25, 2022 at 09.17 WIB

¹⁷ Interview with Idrisa Rofi'i, Measurement and Mapping Survey Data Collector, on November 25, 2022 at 09.17 WIB

¹⁸ Interview with Idrisa Rofi'i, Measurement and Mapping Survey Data Collector, on November 25, 2022 at 09.17 WIB

The announcement aims to give interested parties the opportunity to submit objections or objections to physical data and juridical data, the Kediri Regency Land Office provides an opportunity to follow up on objections or objections within 14 days, if it is more than the time specified Kediri Regency Land Affairs will not respond further.

For the activity of assigning this right, it is carried out after the announcement process has been completed, namely after 14 days. Determination of rights is processed through the granting of land rights with a Decree of the Head of the Kediri District Land Office, or can also be represented by the judiciary committee to sign the Decree on the Determination of Rights.¹⁹

7. Bookkeeping of Rights

Bookkeeping of Rights is the basis of the results of the determination of rights. In the process of Granting Land Rights, the Head of the Kediri Regency Land Office and the Team Leader in charge of Payaman through the results of research and processing of physical data and juridical data are responsible for determining whether or not a certificate on behalf of the applicant is issued²⁰

8. Issuance and Submission of Certificates

Prior to the issuance and submission of the Complete Systematic Land Registration certificate, the Adjudication Committee printed a certificate of land rights signed by the Head of the Kediri Regency Land Office. Submission of certificates is carried out by bringing all the applicant's certificates that have been made to the Payaman Village Office for distribution. the applicant is unable to attend, then he can be represented on condition that there is a power of attorney from the applicant²¹

5. Matters Influencing the Issuance of Multiple Certificates in PTSL in Payaman Village, Plemahan District, Kediri Regency.

The Basic Agrarian Law is a law that regulates land issues in Indonesia²² The existence of complaints about land issues is basically a phenomenon that often questions the correctness of a law related to land. This can be in the form of land products, history of land acquisition, control, ownership, use and utilization of land, land acquisition and so on. It turns out that almost all aspects included in the land sector can emerge as a source of land disputes, such as erroneous land boundaries and erroneous inheritance. Based on that, it is necessary to regulate land as well as state institutions that specifically deal with land issues²³

The estuary of land disputes in Indonesia is at its upstream, namely land registration, the ultimate goal of which is the issuance of certificates of land rights. Many Indonesian

¹⁹ Interview with Ukhi Budi Santoso, A.md, Verivicator of Rights Application Files, on November 23, 2022, 15.00 WIB

²⁰ Interview with Ukhi Budi Santoso, A.md, Verivicator of Rights Application Files, on November 23, 2022, 15.00 WIB

²¹ Interview with Ukhi Budi Santoso, A.md, Verivicator of Rights Application Files, on November 23, 2022, 15.00 WIB

²² <https://docplayer.info/46233739-Responsibility-responsibility-kantor-pertanahan-akibat-dikeluarkan-sertipikat-ganda-yang-mengandung-cacat- Hukum-administration.html>. accessed on July 10, 2022 at 20.10 WIB

²³ The results of the interview with Sutendi Kasubsi for the transfer of rights on July 11, 2022 at 10.00 WIB

people still don't know the importance of land registration, so if another party claims a piece of land that is accompanied by a land certificate, a dispute arises which ends up being resolved in the realm of court.

Multiple certificates are two or more certificates describing the same piece of land but with different data. This is also called an overlapping certificate, both overlapping the entire field and overlapping a portion of the land. Multiple certificates occur in areas that are still vacant, not yet developed and in border areas of districts where there are no land registration maps for these locations, such as the case in land registration in Payaman Village, Palemahan District, Kediri Regency.²⁴

Multiple certificates can occur due to the following reasons²⁵

1. When measurements or research are carried out in the field, the applicant intentionally or unintentionally indicates the wrong location of the land and land boundaries.
2. The existence of a letter of evidence or acknowledgment of rights in the future turns out to contain untruth, falsity or is no longer valid.
3. There is no land registration map available for the area in question.

This is similar to land registration through PTSL in Payaman Village, Plemahan District, Kediri Regency, among others²⁶

1. The case of the issuance of more than one certificate belonging to Mr Hadi²⁷ on a plot of land can also occur on inherited land. The background of this case is an inheritance dispute, namely the owner before his death had sold it to another party (unknown to his children) and a certificate had been issued on behalf of the buyer, and then the heirs certified the same land certificate, resulting in a double certificate. because the previous certificate has not been mapped.
2. An. Maisaroh When printing GU at the land office, an NIB was issued, according to his confession, he had taken care of the conversion up to the field map, but the processing was not continued, causing the NIB to be printed double when correcting the NIB validation when the SU form was finished.
3. An. Mr. Kurdi, his PTSL registration uses the United Nations and Letter C, the village uses Letter C, the adjoining land, this causes overlapping of boundaries and overlapping ownership.
4. An. Nurul Huda at the time of measurement did not participate in witnessing and determining the boundaries of the land he owned, only depending on the sub-district heads who did not know the boundaries, in the end the land area did not match²⁸
5. Village officials or apparatus participate in registering their siblings as PTSL participants without the authorization of the applicant.

²⁴ Interview with Village Head Siti Ika Nurhayati on November 22, 2022 at 11.15 WIB

²⁵ Interview with Tri Widi Nugroho's measurements on May 10, 2022 at 09.00 WIB.

²⁶ Interview with Village Head Siti Ika Nurhayati on November 22, 2022 at 11.15 WIB

²⁷ The results of an interview with the legal section of the BPN for Kediri Regency, Eko Suwanto, on July 1, 2022 at 09.00

²⁸ The results of an interview with the legal section of the BPN for Kediri Regency, Eko Suwanto, on July 1, 2022 at 09.00

In addition, multiple certificates are influenced by internal and external factors²⁹ among others:

1. Internal factors include:
 - a. The provisions in the Basic Agrarian Law and its implementing regulations are not consistently, consistently and responsibly implemented, besides that there are still people who act for personal gain without regard to the rights of others.
 - b. The lack of functioning of the supervisory apparatus so as to provide opportunities for subordinate officials to act in a deviant manner in the sense of not carrying out their duties and responsibilities according to their oath of office.
 - c. The inaccuracy of the Land Office officials in issuing land certificates, namely the documents that form the basis for the issuance of certificates have not been examined carefully, which may mean that these documents have not met the requirements as determined by the provisions of the applicable laws and regulations.
2. External Factors include:
 - a. The community still does not know the laws and regulations regarding land, especially regarding the procedures for making land certificates.
 - b. Land supply is not balanced with the number of applicants who need land.
 - c. Development causes the need for land to increase while the supply of land is very limited, which encourages the transfer of land functions from agricultural to non-agricultural land, resulting in soaring land prices.

Broadly speaking, the occurrence of multiple certificates in the implementation of PTSL in Payaman Village, Paleman District, Kediri Regency is caused by 3 (three) factors, including³⁰:

1. The first factor is due to the fault of the land owner who does not pay attention to his land and does not use it properly, so that it can be taken over by other people and used because he feels that the land has no owner. The other person, because they feel that they have controlled the land for a long time, then claims ownership of the land and then issues a certificate on the land without knowing that there is already a certificate on the land, or when measurements or research are carried out in the field, the applicant intentionally or unintentionally indicates the location of the land. and incorrect land boundaries, as well as the possibility that there was an intentional element on the part of landowners to re-register certificates that actually already existed by taking advantage of the weaknesses of the National Land Agency because they felt that making new certificates was easier and cheaper than transferring land rights.
2. The second factor in general that causes the occurrence of multiple certificates is because it is believed that the Office of the National Land Agency does not have a database related to land parcels, both registered and unregistered. Even though lands that have been registered at the Land Office should be recorded and crossed out on the registration maps, so that later when the land is registered again, it can be seen whether the land is certified or not. Thus, the data is not yet systematic, although now there has been an improvement, there are still many old certificates that have not been

²⁹ Interview with Idrisa Rofi'i, Measurement and Mapping Survey Data Collector, on November 25, 2022 at 09.17 WIB

³⁰ The results of the interview with the head of land rights transfer for BPN, Kediri Regency, Edi Prianto on July 5, 2022, 09.00

inventoried, so there is the potential for multiple certificates to emerge, because in this case the Land Agency only has to accept applications. Or because of the inaccuracy of the Land Office Officials in issuing land certificates, besides that there are still people who act for personal gain so that they act in a wrong way in the sense of not carrying out their duties and responsibilities.

3. The third factor is because the local government where the land is located, such as the sub-district or village, apparently has absolutely no data regarding land that has been certified and already has ownership or the data is invalid. If someone requests a land tenure document which is then issued, but because someone with bad intentions comes later who claims to own the land and wants to draw up a land tenure certificate. The irony is that the local government makes them and sometimes they don't measure at all, don't check the location whether the land is actually the land or not, or the land hasn't been registered in the name of another person. Or for the area in question there is no land registration map available so that it makes it easier for someone with bad intentions to duplicate their certificate.

Apart from that, according to Ricardo J. Sorong³¹ There are several factors that cause the occurrence of multiple certificates, namely:

1. The land registration map is not available at the local Land Office, or the original certificate is not mapped at the land office.
2. There are other parties who deliberately carry out illegal land grabs and confiscation.
3. The intention of the land owner in duplicating the certificate for a specific purpose.
4. Regional expansion occurred which made the boundaries of the area unclear.
5. Inaccuracy and inaccuracy of land officials in checking and researching the land being applied for.

According to Sutedi, multiple certificates can occur because these certificates are not mapped out on the land registration map or the situation map of the area. If a land registration map or situation map/measurement letter is made on the map, then the possibility of duplicate certificates will be less likely³²

As for those that are not included in the category of multiple certificates, namely:

1. A certificate issued as a replacement for a lost certificate.
2. A certificate issued as a replacement for a damaged certificate.
3. A certificate issued as a substitute for a canceled certificate. This is because the certificates referred to above have been declared and are not valid as evidence.
4. Certificate of Building Use Rights over Property Rights or over Management Rights, because according to the applicable laws and regulations, this is indeed possible³³

The Kediri Regency Land Office always strives to provide transparent and open public services to the community, both in terms of implementing the Complete Systematic Land Registration (PTSL) program, in terms of the costs incurred in the process of making the land certificates up to handing over the certificates directly to the PTSL participating

³¹ Hasil wawancara dengan kasi hukum bpn kabupaten kediri eko suwanto pada tanggal 01 juli 2022 pukul 09.00.

³² Ricardo J. Sorong, "Juridical Impact on the Issuance of Multiple Certificates by the National Land Agency (BPN)", in *Lex et Societatis*, Vol. III, No. 3, April 2015, p.125.

³³ Adrian Sutedi, 2006, *Legal Force of Applicability of a Certificate as Evidence of Land Rights*, Jakarta: BP Cipta Jaya, p. 7.

communities. In the implementation of land registration as an effort by the state to provide guarantees of legal certainty to holders of land rights carried out by the government, one of which is issuing certificates of land rights as proof that the right holder has legal force.³⁴

This is in accordance with the theory put forward by Gustav Radbruch which provides an idea regarding the three basic values of law which include justice (philosophical), legal certainty (juridical), and benefit to society (sociological), this theory places "justice" as the main element. which must exist in Indonesian law³⁵

With the holding of land registration in Indonesia, it is hoped that it will provide legal certainty and justice for the community in relation to land ownership³⁶.

Thus according to the authors who studied according to Gustav Radbruch's Theory, namely the theory of legal certainty, the Kediri Regency Land Office has not achieved its perfect legal goal, namely by not fulfilling legal certainty guarantees for people who have legal land rights. With multiple certificates, legal land rights holders will be threatened with their ownership and will not be guaranteed perfect legal certainty. However, the Kediri BPN Office has sought legal certainty guarantees for the holders of legal land rights, namely based on Ministerial Regulation Number 11 of 2016 concerning Settlement of Land Cases as explained above that multiple certificates are the result of administrative defects, so the settlement of these cases can be resolved through BPN with the process, namely the report stage, research on juridical data and physical data, then bring the two parties together and if they have agreed, an annulment can be made related to the issuance of the certificate. Therefore the Kediri Regency government has tried to provide openness for the community both in providing information and in solving problems by involving the community directly, although it cannot be denied that in implementing this principle of openness there are still many obstacles, but they can be resolved properly.

Based on the data obtained by the researchers in the interviews that have been conducted, it is explained that the occurrence of this double certificate is a weakness of the BPN in checking and processing PTSL participant data. In addition, the community factor that became the informant stated that the BPN was not optimal in checking data administratively and direct field inspection, the source also explained that the government was considered to be less transparent and open with regard to letter c land parcel data, this was because the party responsible only the local Village/Kelurahan Lurah has letter c land parcel data, while the BPN apparatus and parties do not have the data administratively, so it can be concluded that one of the reasons for the emergence of multiple certificates is the lack of disclosure of information regarding data related to PTSL between the village with BPN. In addition, the BPN is also considered to be lacking in providing human resource facilities as surveyors and mapping of land parcels to be registered, so it is hoped that there will be no more land parcels whose existence has not been measured or checked for authenticity.

³⁴ Elisabet Lumbanraja, Legal Protection for Dual Certificate Holders in North Minahasa Regency (Juridical Review of Supreme Court Decision Number: 227/K/TUN/2010). Thesis. Master of Notarial Affairs, Faculty of Law, University of Indonesia, Depok, 2010, p. 53

³⁵ The results of an interview with the legal section of the BPN for Kediri Regency, Eko Suwanto, on July 1, 2022 at 09.00

³⁶ Dominikus Rato, Searching for Legal Philosophy: Understanding and Understanding Law, Yogyakarta, Laksbang Pressindo, 2010, p. 59

Therefore, open transparency of a program/policy planned by the government is part of the government's efforts to realize good governance. For example, the openness of the government in providing information regarding detailed and strict regulations related to public services carried out such as the implementation of PTSL in Payaman Village, Palemahan District, Kediri Regency. So that the community is involved in carrying out its role as a supervisor in government activities.

Thus, according to the author, it can be concluded that there are several reasons or things for the occurrence of multiple certificates in the implementation of PTSL in Payaman Village, Palemahan District, Kediri Regency, namely:

1. Double printed certificate when correcting NIB validation when the SU form has been made
2. Registration of village letter C using letter C of the land next to it
3. at the time of measurement, they did not participate in witnessing and determining the boundaries of the land they owned, only depending on the sub-districts who did not know the boundaries.
4. Village officials or apparatus participate in registering their siblings as PTSL participants without the authorization of the applicant.
5. The applicant hid that the original certificate was brought by his relative on the grounds that the certificate had not been issued and assisted by village officials.
6. as a result of negligence or lack of caution on the part of the processor for making the certificate, which initially could have started with the invalidity of the certificate applicant's data, but for some reason it was also passed, so a second certificate was issued and so on.
7. There is invalid data at the National Land Agency, invalid and this can also be caused by the absence of data input from landowners, and in addition the data manager is not proactive in looking for data on data sources, or in other words between data managers and the data source are both inactive, or waiting on each other.
8. There is malicious intent on the part of certain parties to intentionally make rival certificates, with the aim that they can be used for personal gain from an economic aspect.
9. There is a deliberate intention by certain parties to make a second land certificate and so on with the aim of making a profit.

6. Legal Consequences and Forms of Settlement Against Multiple Certificates Due to Complete Systematic Land Registration in Payaman Village, Plemahan District, Kediri Regency

Legal Consequences for Multiple Certificates Due to Complete Systematic Land Registration in Payaman Village, Plemahan District, Kediri Regency, according to the authors, is of the opinion that multiple certificates in the implementation of PTSL in Payaman Village, Palemahan District, Kediri Regency have the following consequences:

- a. Causing legal uncertainty about the certificates they have.
- b. The National Land Agency postpones and can cancel registration through the PTSL program which is carried out in the village of Payaman Village, Plemahan District, Kediri Regency before the problem is resolved

- c. There are disputes over land rights, and their settlement often occurs through courts, whereas settlement by deliberation is very unlikely, because each party will maintain the truth of their respective evidence.
- d. The occurrence of public unrest, especially for land seekers, will always be filled with feelings of anxiety. Afraid that the land to be purchased turns out to be disputed land.
- e. For the parties to the dispute over their land, anarchy can arise by taking the law into their own hands, which results in the emergence of tensions in society.
- f. Created an unfavorable impression of the BPN institution as a land certificate processing agency
- g. Causing public distrust of the legal certainty of land rights. The certificate of land rights should be a strong proof of ownership of land rights, but it cannot be said to be strong because there are second certificates and so on from the same land object.

In the complete systematic land registration program, one of the principles in the implementation of a complete systematic land registration is the principle of accountability, namely the principle of accountability, in accordance with Article 105 PMNA/Head of the National Land Agency Number 9 of 1999 concerning Procedures for the Granting and Cancellation of State Land Rights and Management Rights. cancellation of land rights is carried out by decision of the Head of the National Land Agency or delegated to the Regional Office or appointed Official, so in principle land rights can only be canceled by a letter of cancellation decree whose issuance authority is in accordance with the delegation of authority considering that BPN is the agency authorized to issue certificates, so for this reason, the BPN must revoke or cancel it³⁷

Procedurally, BPN in land registration through the PTSL program is obliged to conduct research when it is known that there are problems/overlaps in the issuance of certificates. Some of the things examined by BPN include physical data and juridical data which in practice are usually carried out by a committee formed by BPN.

After all the research has been done, BPN decides it is obligated to cancel one of them and announce it to the public. The authority to cancel land rights has been regulated in the provisions of Articles 12 and 14 of the Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency Number 3 of 1999 concerning the delegation of authority to grant and annul the decision to grant rights to state land and in the Minister of Agrarian Affairs/BPN Number 11 of 2016, Article 11 Verses (1-2) explain:

1. After carrying out the data collection activities as referred to in Article (10), the official responsible for handling disputes, conflicts and cases at the Land Office conducts an analysis.
2. The analysis referred to in paragraph (1) is carried out to find out that the complaint is the authority of the Ministry and the National Land Agency³⁸
3. Then, in the event that there is an administrative error in the issuance of the Certificate of Land Rights, corrections will be made based on the Minutes of Correction of Administrative Errors in accordance with the provisions of the laws and regulations.

³⁷ Regulation of the Minister of Agrarian Affairs and Spatial Planning / National Land Agency of the Republic of Indonesia Number 11 of 2016 concerning Settlement of Land Cases

³⁸ Interview with Village Head Siti Ika Nurhayati on November 22, 2022 at 11.15 WIB

Siti Ika Nurhayati³⁹ who is the person in charge of implementing PTSL at the Payaman Village level, Plemahan District, Kediri Regency, Mr. Suwarno as Chair of the Physical Task Force for Complete Systematic Land Registration. The two sources explained in their interviews the accountability of the Kediri Regency National Land Agency regarding multiple certificates in complete systematic registration (PTSL). Declare that the Kediri Regency National Land Agency is as follows:

1. In this case, the authority can cancel certificates that have been issued.
2. re-measurement to the field or place of dispute but there is no compensation from the National Land Agency and it must be known first that basically double certificates generally occur on land that is empty or not yet developed.
3. Collecting physical data and juridical data at the village office and summoning parties who have problems with submitting certificates in the PTSL program
4. And for handling mechanisms usually held through the National Land Agency (BPN) agency, a handling can be done if there is something like:
 - a. Public complaints or reports
 - b. Research and data collection
 - c. Mutation prevention
 - d. discussion
 - e. Revocation of State Administration Decree (TUN)
 - f. Settlement through court⁴⁰

At present, most land disputes, in this case multiple certificates as a result of Complete Systematic Land Registration in Payaman Village, Plemahan District, Kediri Regency, are resolved in 3 (three) ways, namely:

1. Settlement directly by the parties by deliberation.
 2. Arbitration and alternative dispute resolution.
- Settlement of disputes through the judiciary.

7. Conclusion

1. Implementation of Complete Systematic Land Registration (PTSL) in Payaman Village, Plemahan District, Kediri Regency is carried out through several stages, namely:

- a) Preparation
- b) Counseling
- c) Collection of Physical Data
 - 1) Determination of land parcels
 - 2) Measurement Implementation
 - 3) Measuring Drawings and Mapping of Land Planes
- d) Juridical Data Collection
- e) Soil Inspection
- f) Announcement and Determination of Rights
- g) Bookkeeping of Rights
- h) Issuance and Submission of Certificates

³⁹ Interview with Mr Suwarno, a Payaman village official who is also the Chair of the Physical Task Force for Complete Systematic Land Registration on November 23, 2022 at 17.00 WIT.

⁴⁰ Suwarno. Head of Physical Task Force for Complete Systematic Land Registration, at the Office Semarang City Land Agency, Interview (Semarang, 29 June 2020)

2. Matters Influencing the Issuance of Multiple Certificates in PTSL in Payaman Village, Plemahan District, Kediri Regency. according to the author there are several factors or reasons for the occurrence of multiple certificates in the implementation of PTSL in Payaman Village, Plemahan District, Kediri Regency, namely:

- a) The certificate is printed double when correcting the NIB validation when the SU form is ready
- b) Registration of letter C for the village uses letter C of the land next to it
- c) At the time of measurement, they did not participate in witnessing and determining the boundaries of the land they owned, only depending on the sub-district heads who did not know the boundaries.
- d) Village officials or apparatus participate in registering their siblings as PTSL participants without the authorization of the applicant.
- e) The applicant hid that the original certificate was brought by his relative on the grounds that the certificate had not been issued and assisted by village officials.
- f) As a result of negligence or lack of caution on the part of the processor for making the certificate, which initially could have started with the invalidity of the certificate applicant's data, but for some reason it was also passed, resulting in a second certificate being issued and so on.
- g) There are invalid data at the National Land Agency, Invalid and this can also be caused by the absence of data input from landowners, and in addition the data manager is not proactive in looking for data on data sources, or in other words between data managers and the data source are both inactive, or waiting on each other.
- h) There is malicious intent on the part of certain parties to deliberately make rival certificates, with the aim that they can be used for personal gain from an economic aspect.
- i) There is a deliberate intention by certain parties to make a second land certificate and so on with the aim of making a profit.

3. Legal Consequences and Forms of Settlement Against Multiple Certificates Due to Complete Systematic Land Registration in Payaman Village, Plemahan District, Kediri Regency, resulting in the following:

- a) Causing legal uncertainty about the certificates they have.
- b) The National Land Agency postpones and can cancel registration through the PTSL program which is carried out in the village of Payaman Village, Plemahan District, Kediri Regency before the problem is resolved
- c) There is a dispute over land rights, and the settlement often occurs through the courts, while settlement by deliberation is very unlikely, because each party will maintain the correctness of their respective evidence.
- d) The occurrence of public unrest, especially for land seekers will always be seized with feelings of worry. Afraid that the land to be purchased turns out to be disputed land.
- e) Creates an unfavorable impression of the BPN institution as a land certificate processing agency
- f) Causing public distrust of the legal certainty of land rights. The certificate of land rights should be a strong proof of ownership of land rights, but it cannot be said to be strong because there are second certificates and so on from the same land object.

As for the form of accountability of the Kediri Regency National Land Agency regarding multiple certificates in complete systematic registration (PTSL). Declare that the Kediri Regency National Land Agency is as follows:

- a) After carrying out the data collection activities as referred to in Article (10), the official responsible for handling disputes, conflicts and cases at the Land Office conducts an analysis.
- b) The analysis referred to in paragraph (1) is carried out to find out that the complaint is the authority of the Ministry and the national land agency
- c) In this case, the authorities can cancel certificates that have been issued.
- d) re-measurement to the field or place of dispute but there is no compensation from the National Land Agency and it must be known first that basically double certificates generally occur on land that is empty or not yet developed.
- e) Collection of physical data and juridical data at the village office and calling parties who have problems with submitting certificates in the PTSL program
- f) Then, in the event that there is an administrative error in the issuance of the Certificate of Land Rights, corrections will be made based on the Minutes of Correction of Administrative Errors in accordance with the provisions of the laws and regulations.

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