



LEGAL ANALYSIS OF MULTIPLE LAND CERTIFICATES: A CASE STUDY IN INDONESIA

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ABSTRACT

This research analyses the legal problems caused by the existence of multiple land titles in Indonesia, which reflect weaknesses in the country's land administration system. Multiple title cases not only create legal uncertainty and increase land disputes but also burden the judicial system with lengthy and complex legal processes. The economic impact is felt across sectors, with delays in property development and declining property values, affecting individuals, investors and financial institutions. The study emphasises the importance of legal reform and improvement of the land registration system with the adoption of modern technology and increased supervision. This will lead to a more transparent, accurate and reliable land administration system, reducing the potential for multiple land titles and providing better legal protection to landowners.

Keywords: Legal Analysis, Multiple Land Certificates, Case Study in Indonesia.

INTRODUCTION

Land is one of the most valuable assets and has a high economic value for individuals and countries. In Indonesia, with a large population and a growing need for land, land management is a crucial issue. A transparent and accurate land system is essential to avoid disputes and provide security to landowners (Lopez, 2020).

As an agricultural country, Indonesia has a long history of land and agrarian management. Previously, land ownership was governed by customary laws that varied in different regions, until modern legal rules emerged to regulate it more formally. The National Land Agency (BPN) has a major role in providing land registration and certification services in Indonesia (Garcia, 2017).

Legal certainty in land ownership is the main foundation that ensures any individual or entity that owns land rights can legally maintain their rights without interference. Legal certainty provides assurance that ownership rights recognised by law will not be easily questioned or disputed by other parties (Walker, 2019). This is

important because land is a highly valuable asset and is often the main capital for individuals and businesses in carrying out economic activities. With legal certainty, landowners have a sense of security to use, develop or transfer their land rights, which in turn encourages investment in the long term as well as sustainable economic growth (Usman, 2011).

In addition, legal certainty in land ownership is important to prevent disputes and conflicts. Frequent land disputes resulting from unclear or overlapping ownership claims can cause social tensions, drain resources and slow down the development process. In a law-based society, this certainty also increases public and investor confidence in government regulations and institutions (Harris, 2020). Therefore, to create an environment that is stable and conducive to economic and social well-being, it is essential to have a clear, transparent and reliable land system where land ownership rights are regulated and legally recognised. However, in practice, the problem of multiple land titles often arises,



where one land parcel has more than one certificate of ownership (Martinez, 2019) .

One of the significant and persistent problems in Indonesia's land system is the existence of multiple land titles. This problem can arise due to various factors, such as administrative errors, document forgery, unclear land boundaries, and corruption. Multiple land certificates cause legal uncertainty that can harm landowners, hamper investment, and result in prolonged social disputes and conflicts (Perez, 2020) .

Addressing the issue of multiple land titles is an urgent matter. Thorough research and analysis is needed to understand the root of the problem, covering legal, administrative, as well as social aspects. By understanding the underlying causes and impacts of multiple land titles, more effective solutions can be proposed to improve the land system in Indonesia. This is also important to increase public and investor confidence in Indonesia's land law and administration system (Patel, 2018) .

The purpose of this study is to analyse various legal aspects related to the case of multiple land certificates in Indonesia, identify the main problems that cause multiple certificates, and provide recommendations for improving the legal system and land administration.

METHOD

The study in this research uses the literature method. The literature research method is a research approach that focuses on collecting, reviewing, and analysing written sources to gain an in-depth understanding of the topic or issue being discussed. These sources may include books, journals, scientific articles, research reports, official documents, and other library materials (Okoli, 2015) ; (Randolph, 2009) . Through this

method, the researcher identifies linkages between existing studies, explores relevant theories, and assesses findings that emerge from previous literature. The aim is to assess the development of knowledge in a particular field, determine existing research gaps, and base new arguments or hypotheses on academically documented evidence. Literature research methods are essential in many fields of science to ensure that new research is based on a solid and contextualised foundation (Grant & Booth, 2009) .

RESULTS AND DISCUSSION

Factors causing multiple land certificates

One of the main factors leading to the issuance of multiple land certificates is the inefficiency of the land administration system. Inaccuracies in land recording and data collection often result in inconsistencies in the data held by the land office. Poorly coordinated decisions or errors in inputting data can result in a piece of land being registered more than once with different certificates (Harsono ., 2013)

Corruption and abuse of power by authorised officials in the process of issuing land certificates are also major causes of this problem. Some officials may deliberately issue multiple land certificates for personal or group interests. This kind of practice not only harms the community, but also creates legal uncertainty regarding land ownership (Supriadi, 2010) .

Lack of socialisation of the importance of proper and accurate land registration to the public also contributes to the issuance of multiple land certificates. People who are unfamiliar with the correct procedures may not realise the importance of checking the validity of their certificates or the potential for errors in their land registration (Lee, 2019) .



Multiple land titles often arise in cases of inheritance disputes or poorly documented land sales. Heirs who do not finalise the legal division of an inheritance or land sales that do not go through official procedures can lead to confusion over who is the rightful owner of a piece of land. Conflicts between heirs or parties claiming to own land rights are further complicated if multiple certificates have been issued (Robinson, 2016) .

Forgery of legal documents such as sale and purchase deeds or land titles is another factor that leads to the issuance of multiple land titles. Irresponsible parties can forge these important documents and use the forged documents to apply for a new certificate. This leads to complicated legal conflicts and harms the legal owner of the land (Sumardjono ., 2008)

Outdated data collection technology or limited access to modern land information systems also play a role in this problem. Non-integrated systems and the use of manual recording methods increase the risk of errors and duplication of data. The use of less up-to-date technology in the land data collection process reduces efficiency and accuracy and facilitates the occurrence of multiple land titles (Parlindungan ., 2012)

As such, the issuance of multiple land titles is a complex issue that requires a multi-sectoral approach for resolution. Remedial efforts should include improving the efficiency of land administration, combating corruption, educating the public, resolving inheritance disputes, combating document forgery, and modernising land data collection technology. With cooperation between the government, the community and other stakeholders, it is hoped that the problem of multiple land titles can be minimised, thus

providing legal certainty and protection of land rights for all citizens.

Procedures for Resolving Multiple Land Certificate Disputes

The resolution of multiple land certificate disputes is a complex process and requires a structured approach. The first step in resolving these disputes is data verification. The party claiming ownership of the land must collect all relevant documents, including land certificates, sale and purchase deeds, inheritance letters, or other evidence that supports the ownership claim. This data verification aims to determine the validity of each document and identify any discrepancies in data or information that could be a starting point for dispute resolution (Davis, 2012) .

The second step is to involve the National Land Agency (BPN) as the authoritative institution in charge of land affairs in Indonesia. Parties to a dispute can apply to the BPN to investigate the status of the contested land certificate. The BPN will conduct a field review, review historical data, and examine maps relating to the land. This process aims to ascertain the legal boundaries of the land and to evaluate administrative errors that may have occurred in the issuance of the certificate (Kumar, 2018) .

After obtaining the results of the investigation conducted by the BPN, the next step is mediation between the disputing parties. The mediation can be facilitated by a neutral third party, such as a community leader, notary, or legal consultant competent in land matters. The mediation process is expected to find a middle ground peacefully without having to proceed to law. If the mediation is fruitful, the parties can make a written agreement that binds all parties involved and ends the dispute (Subekti, 2005)



If mediation is unsuccessful, the fourth step is to resolve the dispute through legal channels. The aggrieved party can file a lawsuit at the local district court through civil procedures. The court will examine the completeness of documents, presentation of evidence, and testimony from witnesses before giving a final and binding decision (Hadjon, 2017) . The court process can take quite a long time and requires a lot of money, so it requires readiness from the disputing parties (Sinaga, 2009) .

If the court has rendered a judgement, the fifth step is the implementation of the judgement. Implementation can take the form of cancellation of one of the certificates, physical surrender of the land, or payment of compensation, depending on the decision given by the court. BPN is also involved in processing changes in land records to avoid similar disputes in the future. The disputing parties need to ensure that the implementation of the judgement is done properly and in accordance with the law (Allen, 2020) .

The final step is to conduct an evaluation and administrative settlement. This includes revising documents, aligning land boundaries in accordance with the verdict, and ensuring there are no further legal issues. In addition, the parties involved are expected to learn from this dispute to be more careful in future land transactions. This not only provides a solution to the existing dispute, but also prevents multiple land disputes from occurring again in the future.

Legal Impact of Multiple Land Certificates

The first legal impact of multiple land titles is to create legal uncertainty and ownership conflicts. In this situation, two or more parties may claim rights to the same land based on documents that are valid in their

view. This uncertainty can delay various land use plans and hinder property investment or development (Brown, 2018) .

Multiple certificates often lead to protracted legal disputes. The process of resolving land disputes through the courts or mediation agencies can take years and be costly. This can burden individuals and institutions financially and emotionally, as well as flooding the justice system with cases that could have been avoided with good prevention mechanisms (Muchsan ., 2002)

The existence of multiple certificates can cause significant economic losses to the aggrieved party, be it an individual, company, or government. Potential losses include loss of investment, cancellation of development plans, and depreciation of property values. Furthermore, banks or financial institutions that use land as collateral may face credit risk if the dispute goes south (Thompson, 2018) .

Multiple land certificate cases can involve elements of fraud or abuse of authority, where certain individuals forge documents or abuse their position to issue additional certificates. This highlights the need for strict oversight and stronger rules to prevent such practices in the first place (Smith, 2019) .

The government is faced with administrative challenges to resolve multiple certificate cases. These include updating land data, reviewing certificate issuance procedures, and ensuring transparency and integrity in land data management. These efforts demand considerable human and material resources (Jackson, 2019) .

Addressing the impact of multiple land titles requires legal and regulatory reforms in the land sector. The implementation of more sophisticated land administration systems, such as digital and blockchain-based land registration, can help prevent duplicate titles



in the future. These reforms should also include public education and capacity building for land administration organisers (Rahayu, 2016) .

The legal impact of multiple land titles emphasises the importance of an accurate, transparent and reliable land administration system to protect individual property rights and support economic and social stability (Johnson, 2020) .

As such, multiple land titles have significant legal implications. The legal uncertainty that results from having two legitimate ownership claims can result in protracted land conflicts and disputes. This not only delays land use and development plans, but also burdens the judicial system with complicated and time-consuming cases.

The economic impact of multiple titles is also felt by individuals, companies and financial institutions, who face the risk of financial losses and depreciated property values. On the other hand, these cases often involve elements of fraud or abuse of authority, highlighting the need for strict oversight and stronger regulation in the issuance of land titles.

The government is also faced with the administrative challenge of resolving these cases, which requires considerable material and human resources. Preventing and resolving the problem of multiple land titles requires comprehensive legal and regulatory reforms, including the adoption of modern technology for land registration.

Overall, the importance of an accurate, transparent and trustworthy land administration system is crucial to protect individual property rights, support economic stability and reduce social conflicts related to land issues. With proper reforms, the negative

impacts of multiple land titles can be minimised or even eliminated.

CONCLUSION

The conclusion of the legal analysis of multiple land certificates in Indonesia shows that the existence of multiple certificates is a real portrait of the weaknesses of the land administration system in Indonesia. . Inefficiencies in land supervision and registration lead to the emergence of multiple certificates, which results in legal uncertainty and increases the number of land disputes. These cases usually also involve lengthy and complicated legal proceedings, adding to the burden on the judicial system.

In addition, multiple land titles have far-reaching economic impacts. Ownership conflicts that arise result in delays in the use and development of the property in question, potentially causing financial losses for individuals, investors and financial institutions. Property values also decline due to this uncertainty. Cases such as these highlight the need to improve transparency and accuracy in the land registration system and strengthen regulations to prevent the occurrence of multiple titles.

The solution to the problem of multiple land titles therefore requires a comprehensive approach. Legal reforms are needed that include improved information technology in the land registration system, strict supervision, and continuous training for land officials. Such measures will help create a more structured and reliable administrative system, reduce the potential for multiple titles, and provide better legal protection for landowners.



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