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Transformation of Land Registration Through Electronic Certificates to Overcome Overlapping Certificates in Indonesia

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Abstract: Land is a crucial natural resource for human life, serving as a residence, a basis for economic activities, and a symbol of status. Effective land registration is vital for providing legal certainty and preventing disputes, particularly regarding the issue of overlapping certificates. This writing will discuss the role of electronic certificates as a solution to address this issue, considering that the increasing number of registered land parcels can trigger ownership conflicts. Although the existing legal framework provides a clear structure, challenges such as a lack of accurate data, complex bureaucracy, and high registration costs still hinder implementation. Electronic certificates are expected to enhance transparency and efficiency in land rights management; however, they do not guarantee the elimination of future disputes. Therefore, community education and improved oversight among relevant agencies are necessary to ensure the successful transformation of the land registration system in Indonesia

Keyword: Land Registrasion, Overlapping Certificates, Electronic Certificates.

INTRODUCTION

Land is an essential natural resource for humans, used for various needs, such as farming, housing, and business activities such as trade, industry, education, and infrastructure development. As a basic need, land plays a vital role in the lives of humans who undergo various activities on it, so the relationship between humans and land is always side by side. Almost all aspects of life, either directly or indirectly, require the existence of land (Di et al., 2023). Given the importance of land, every individual tends to try to own it in various ways. However, land ownership and control cannot be separated from social, economic and legal considerations. Land is not just a place to live or a business location, but also serves as a status symbol and a long-term investment(, & M Kolopaking, 2016).

Therefore, land registration is crucial. This registration serves as a protection that provides legal certainty and rights over land ownership. Having proof of ownership in the form of a land certificate is an important step to ensure that land tenure is legitimate. The legal certainty provided includes information about the location, boundaries, and size of the land, the status

of the land, and the parties entitled to the land, all of which are set out in a letter in the form of a certificate. Thus, land registration not only provides legal certainty, but also contributes to better resource management, thereby preventing future conflicts and disputes.

The legal basis of land registration in Indonesia is regulated in Law Number 5 of 1960 concerning Agrarian Principles. Article 19 of the law states that

“To ensure legal certainty, the Government shall conduct land registration throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulation.” (Permana et al., 2023).

Based on the explanation of the article, it can be seen that land registration is an official step taken by the government to provide certainty to the community regarding the status and rights to the land they own. This aims to prevent disputes and conflicts that may arise due to uncertainty regarding land ownership. In addition, government regulations governing land registration serve to ensure that the process is carried out systematically and transparently, so that people's rights can be properly protected.

However, problems begin to arise when the number of registered land parcels increases, because the possibility of disputes related to certificate ownership also increases, such as the problem of overlapping certificates, which is generally defined as one registered land parcel with two or even more different certificate names. This can occur due to various factors, including administrative errors, lack of coordination between relevant agencies, or even acts of fraud. According to Sudarwanto, the cause of overlapping certificates is due to two factors, namely internal and external factors. Internal factors include the absence of mapping of land parcels on the registration map and the neglect of the principle of *contradictoire delimitation* by the measuring officer. Meanwhile, external factors include data manipulation by village officials, certificate owners who ignore the land, and low public awareness of the *contradictoire delimitation* principle. The *contradictoire delimitation* principle itself is a principle in land law that focuses on determining land boundaries (Putra & Winanti, 2024).

Asas tersebut mengharuskan bahwa setiap pengukuran dan pendaftaran tanah harus mempertimbangkan serta menghormati batas-batas yang sudah ada, untuk mencegah adanya tumpang tindih antara hak atas tanah yang berbeda. Secara khusus, prinsip ini meminta semua pihak yang mengklaim hak atas suatu bidang tanah untuk diberikan kesempatan mengemukakan pendapat mereka sebelum batas-batas tersebut ditetapkan secara resmi. Tujuan dari asas ini adalah untuk menghindari konflik dan sengketa yang mungkin muncul akibat ketidakjelasan atau kesalahan dalam penentuan batas tanah. Ini sangat penting untuk menjamin kepastian hukum dan keadilan bagi semua pihak yang memiliki kepentingan dalam penguasaan tanah. Asas *contradictoire delimitation* diatur lebih jelas dalam Pasal 18 Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah yang mengatur proses penetapan batas bidang tanah yang sudah dimiliki. Dalam hal ini, baik tanah yang terdaftar maupun yang belum terdaftar harus ditangani oleh Panitia Ajudikasi atau Kepala Kantor Pertanahan. Proses penetapan ini melibatkan penunjukan batas oleh pemegang hak atas tanah yang bersangkutan dan harus mendapatkan persetujuan dari para pemegang hak tanah yang berbatasan (Sengketa et al., 2022).

In addition, for land parcels for which new rights are to be granted, the same boundary determination procedure applies, or it can be done on the basis of a designation from the competent authority. In establishing these boundaries, the Adjudication Committee or the Head of the Land Office shall take into account the boundaries of the registered land parcel as well as any relevant measurement documents or situation drawings. Finally, any approvals obtained in this process should be recorded in the minutes and signed by the parties giving the approval, thus creating clarity and legality in land boundary determination. Overlapping land certificates can lead to conflicts between owners claiming rights to the same land, which in turn creates legal uncertainty and disadvantages the parties involved. Therefore, it is imperative to

implement a more transparent and accurate land registration system. The use of technology, such as electronic certificates, can help reduce the risk of errors and improve the reliability of ownership data. With an improved system, monitoring and verification of land ownership status can be done more efficiently by simplifying the bureaucratic process.

Through the Ministry of ATR/BPN, the government issued Minister of ATR/Head of BPN Regulation Number 1 of 2021 regarding Electronic Certificates. This issuance covers first-time land registration for unregistered land (including those that already have certificates) or conversion of existing manual certificates into electronic form. Article 16 paragraph (1) of this Ministerial Regulation states that: “The replacement of a Certificate into an Electronic Certificate also includes the replacement of a land book, measurement letter, and/or drawing of a flat unit plan into an Electronic Document.” (Lawalata et al., 2021). The article describes the conversion process from manual land certificates to electronic certificates, which means that not only the certificate itself is replaced but also related documents, such as land books, measurement letters, and plan drawings for apartment units, will be converted into electronic format. The aim is to improve the efficiency, security and accessibility of information regarding land ownership, as well as to support the modernization of the land administration system in Indonesia. Thus, landowners can more easily manage and access their ownership data.

Electronic certificates have emerged as a solution to speed up the registration process, reduce the risk of administrative errors, and minimize disputes. Electronic certificates not only facilitate access to information about land ownership, but also increase data security (Azmi & Putrijanti, 2024). Through the digital system, land rights holders can freely access and confirm the status of their certificates through an online platform, which will help avoid overlapping ownership. In addition, electronic certificates can be equipped with better security features, such as digital signatures and encryption, to ensure the authenticity of the documents. The implementation of electronic certificates is in line with the government's efforts to modernize the land administration system. With more advanced technology, land registration and management can be done more efficiently, reducing administrative workload, and accelerating services to the community. This is expected to reduce the number of unregistered land parcels and minimize conflicts due to overlapping certificates. With more optimized management of property rights through electronic certificates, the community is expected to have better legal certainty over the land they own. This will not only increase public confidence in the land law system, but also encourage investment and sustainable economic development in Indonesia. Through these measures, the management of land property rights can take place more effectively and equitably, creating an atmosphere that supports the development and welfare of society. This paper is intended to address the problems associated with overlapping land titles in Indonesia, and explain how the implementation of electronic titles can be an effective solution to this issue. By outlining the main causes of land ownership conflicts and the importance of transparency and accuracy in the land registration system, this paper aims to provide a more comprehensive knowledge of the obstacles faced and the benefits that can result from reforming the land administration system. In addition, it aims to emphasize the importance of public trust in the land law system and its impact on investment and sustainable economic development.

METHOD

In writing this article, the research methods used are normative legal and empirical legal methods. The normative legal method (Hendrik Mezak, 2006) focuses on analyzing the norms and legal provisions that apply in the context of land registration. In this case, the author examines in depth Law Number 5 of 1960 concerning Agrarian Principles, as well as Regulation of the Minister of ATR / BPN Number 1 of 2021 concerning Electronic Certificates. This research includes a document study that looks at relevant articles, especially those relating

to the principle of *contradictoire delimitatie*, which is important to prevent overlapping certificates. With this approach, the author is able to understand the legal context underlying land registration, as well as assess the effectiveness of existing regulations in preventing ownership conflicts.

Meanwhile, the empirical legal method is oriented towards collecting data and information from real legal phenomena in society. The author conducted interviews with various stakeholders, including land registration officers, landowners and communities. Through these interviews, the author gained valuable perspectives on the issue of overlapping certificates and their views on electronic certificates. The author also conducted case studies in areas experiencing certificate overlapping problems as well as in areas that have implemented electronic certificates. This approach provides a concrete picture of the impact of existing policies, as well as the effectiveness of electronic certificates in addressing the issues at hand. By integrating normative and empirical legal methods, this article provides a comprehensive overview of the issue of overlapping land certificates. The normative method provides a strong legal foundation, while the empirical method provides relevant evidence and data from practices in the field. The combination of these two approaches enriches the resulting analysis, making the recommendations more realistic and applicable. Through this approach, it is hoped that the article will create a deeper understanding of the challenges faced in land registration as well as the benefits of implementing electronic certificates as an effective solution to address the issue of overlapping land certificates in Indonesia.

RESULTS AND DISCUSSION

Due to its crucial role in human life, land management is a crucial aspect to ensure the sustainability and welfare of society. With proper management, potential conflicts and disputes due to unclear ownership or overlapping certificates can be minimized. Therefore, effective measures in land management not only create legal certainty, but also increase public confidence in the land administration system and support sustainable economic development. National land law provides the basis and opportunity for every citizen to own and control land, by granting various rights that must be in accordance with applicable legal norms and principles. According to the perspective of national land law, the entire territory of the earth, including water and space and the natural resources contained therein, is considered a gift from God Almighty and is a national asset. Thus, all land located in the territory of Indonesia is the common property of the Indonesian people, who are united as one nation. This statement is stated in Article 1 paragraph (1) of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) (Wulan et al., 2022).

The process of land registration in Indonesia has a very crucial goal, which is to create legal certainty for landowners. However, despite the existence of a clear legal framework, its implementation in the field is often hampered by various complex challenges. One of the main obstacles faced is the lack of accurate data and mapping of land boundaries and status (Rahman Al-Kausar, 2024). Many areas do not have adequate information, making it difficult for communities to register. Without clear data, the process of recognizing land rights becomes complicated and non-transparent (Yusrie et al., 2020).

In addition, complicated bureaucracy is also a significant barrier. Long and complex registration procedures can discourage people from registering their land. Many people feel that the process is time-consuming and labor-intensive that is not worth the benefits to be gained. In addition, land registration is also costly, covering a range of expenses, such as measurement, administration and certificate production. For many people, especially among low-income communities, these costs can be an additional burden that makes it difficult for them to continue with the registration process. This combination of procedural complexity and high costs can result in low rates of land registration, which in turn can increase the potential

for future disputes. Low public awareness of the importance of land registration also exacerbates the situation. Most citizens do not understand that having a valid land certificate is essential to protect their rights as the rightful owner of a piece of land. This contributes to the high number of unregistered land parcels, which in turn increases the risk of disputes. Often, recognition of land rights is uneven. Some groups benefit more from this process, while others are overlooked and disadvantaged due to the actions of irresponsible groups. This kind of injustice, especially in the context of agrarian conflict, creates social tensions that have the potential to threaten the stability of society. Dissatisfaction and injustice in land tenure can trigger bigger conflicts, thus requiring serious attention from the government and authorities to ensure justice and prosperity for all citizens.

One major issue that continues to haunt the land registration system is overlapping certificates, where one parcel of land has more than one valid certificate, creating confusion and prolonged legal disputes. This is not only detrimental to landowners, but also disrupts the overall legal order. With all these challenges, although the legal framework has been established, there is still much to be improved in the implementation of land registration so that land registration can take place effectively and fairly. The success of this process is critical to ensuring legal certainty and creating justice for all parties involved in land tenure in Indonesia. One of the steps taken by the government to address the problem of overlapping certificates is the implementation of electronic certificates. Electronic certificates offer a more transparent and efficient solution in the management of land rights. The electronic certificate itself is a digital archive that stores data and / or information about the right holder, juridical aspects, and physical land, both electronically created and the result of media transfer.

These certificates are issued through a land registration system that uses digital technology, allowing landowners to access and verify information regarding their ownership rights online which can minimize the possibility of administrative errors and reduce the risk of disputes. In the application of legal regulations in Indonesia, electronic certificates serve as an alternative to strengthen legal certainty and reduce the possibility of document forgery or manipulation. With the implementation of the Land and Exploration Information System, landowners can easily access data and information related to their ownership rights. In addition, electronic certificates can simplify the procedure of buying and selling property, which in this case is land, and provide valid evidence of land ownership rights for court purposes (Damanto et al., 2024). Physical data and legal aspects that exist in the Electronic Sign System are recognized as valid, unless there is other evidence to the contrary. This method can speed up the judicial process and reduce the possibility of overlapping information that is often found in traditional documents. However, while the implementation of electronic certificates can improve transparency and efficiency in the management of land ownership data, it does not guarantee that overlapping disputes will not re-emerge in the future. There are various other factors that can contribute to the emergence of conflicts, such as inaccuracies in mapping, errors in determining land boundaries, and the possibility of data manipulation by certain irresponsible individuals (Sapardiyono & Pinuji, 2022).

In addition, the use of electronic certificates in Indonesia's land registration system has not only brought technical innovations, but also triggered far-reaching social changes. In a society that relies heavily on land ownership, any move towards modernizing this system will resonate with different layers of people's lives. One of the most significant positive impacts in the use of electronic certificates is the increased legal certainty as explained earlier. On the other hand, electronic certificates also serve as an empowerment tool. With easier and more transparent access, communities, especially in remote areas, can strengthen their rights to land. Knowledge about their ownership and rights becomes more accessible, encouraging them to more actively protect and manage the land they own. However, not all changes are without problems, and the unevenness in the use of technology poses its own problems. In areas that lack adequate

infrastructure, communities may feel alienated from the new system. This can create a divide between those who are connected to technology and those who are not, potentially creating new inequities. Another challenge is the potential for misuse of the technology. Although electronic certificates are designed to increase reliability and security, there is still the possibility that certain individuals will try to exploit loopholes in the system to manipulate data or claim unauthorized land rights.

With intensive education and socialization efforts, the public will better understand the importance of land registration and the benefits of electronic certificates. This knowledge can encourage them to be actively involved in the registration process, thereby reducing the likelihood of disputes due to ignorance or administrative errors. In addition, increased supervision and coordination between relevant agencies is also important to create synergy in land management. With an integrated system, each party can better collaborate in verifying land ownership information, reduce the risk of data errors, and ensure that each registration process is transparent and accountable. With these steps, it is hoped that land registration and the implementation of electronic certificates can become a pillar in creating a more equitable, transparent and sustainable land system in Indonesia.

CONCLUSION

The transformation of land registration with the implementation of electronic certificates in Indonesia is an important step in overcoming the problem of overlapping certificates. Land as a vital resource requires efficient and transparent management to provide legal certainty to its owners. Although the legal framework has been established, challenges such as lack of accurate data, complex bureaucracy and high registration costs still hinder the effectiveness of the land registration process. The implementation of electronic certificates is expected to reduce these obstacles by easing access to information, speeding up the registration process, and lowering administrative costs. With a more modern and efficient system, landowners can more easily acquire and manage their land rights, while the government can improve data accuracy and transparency in land management. Electronic certificates offer a promising alternative to improve transparency and efficiency in land rights management. By making it easier to access information and verify ownership digitally, certificates.

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