


# Legal Certainty Regarding the Cancellation of Property Rights Certificates From the Perspective of Land Registration Objectives (Case Study of Property Rights No. 55 in Tanjung Pasir Village, Tangerang Regency)

Amril<sup>1</sup>, Inge Dwisvimiar<sup>2</sup>, Rani Sri Agustina<sup>3</sup>  
Universitas Sultan Ageng Tirtayasa, Serang, Banten

Article Info	ABSTRACT
<p><b>Keywords:</b> Legal Certainty of Land Rights Land Registration Land Ownership Certificate</p>	<p>Problems of a plot of land are often associated with problems of ownership of the plot of land. The state guarantees legal certainty in the ownership of land rights that have been regulated in Government Regulation Number 24 of 1997 concerning Land Registration. The problem discussed is regarding ownership between the Deed of Sale and Purchase and the double certificate, hence the cancellation of the Certificate of Ownership Rights Number 55 of Tanjung Pasir Village, in the name of Etjah. The research method used is empirical with a normative approach. The data sources used are primary data and secondary data. Primary data is data obtained from parties related and involved in this study, namely the Tangerang Regency Land Office, the Tangerang Regency Land Deed Official, the owner of the Land Ownership Certificate No. 55/Tanjung Pasir. While secondary data is data obtained from literature studies. Based on the results of the study on the legal certainty of land rights, the Certificate of Ownership Number 55/Tanjung Pasir was first recorded in the name of Etjah which was transferred to Suha Bin Eneng and then transferred to Andre Lukas Simon. The root of the problem is that Vreddy is the party claiming the Customary Land Ownership Rights, so Vreddy filed a lawsuit against the object of the State Administrative Law (TUN) lawsuit. Thus, the Decision of the Serang State Administrative Court Number 10/G/2021/PTUN/SRG. dated June 30, 2021 in accordance with Article 110 of Law 51 of 2009 concerning the second amendment to Law Number 5 of 1986 concerning State Administrative Courts, the losing party in this case is sentenced to pay all court costs incurred in two levels of court, for which the appeal level is determined as stated in the verdict.</p>
<p>This is an open access article under the <a href="#">CC BY-NC</a> license</p> 	<p><b>Corresponding Author:</b> Amril Universitas Sultan Ageng Tirtayasa, Serang, Banten <a href="mailto:amril.syafiq1703@gmail.com">amril.syafiq1703@gmail.com</a></p>

## INTRODUCTION

The history of agrarian law in Indonesia has undergone significant changes from the colonial period to the independence period. During the colonial period, much of the land in Indonesia was controlled by the Dutch colonial government. The land system was very different from the traditional system of the indigenous people. The Dutch held the land as the highest owner,

and the indigenous people only had relatively limited land use rights (HGU).

Essentially, land is the foundation of a nation's history and humanity, as it is the very origin of human creation. Initially, land served as a basic necessity, such as a place to live, agricultural fields, or hunting grounds. By having registered land ownership rights and possessing ownership rights over all subjects, the holder is granted the authority to utilize the land according to their needs. Thus, a legal

guarantee is established for the land user. Based on this registration process, positive outcomes are achieved, such as proof of land ownership in the form of a certificate.

The certificate serves as strong evidence for the person whose name is listed on the certificate in the event of a civil dispute in a district court. According to the encyclopedia, dual ownership refers to a single land ownership. As stated in Government Regulation No. 18 of 2021 on the issuance of certificates, the purpose is solely for the benefit of the owners based on the physical and legal data registered in the land registry. This phenomenon has led to conflicts, such as the issuance of certificates listing land that does not actually belong to the certificate holder but to someone else, due to irresponsible individuals or negligence in the issuance process. Additionally, cases of dual ownership have been identified, where two certificates claim ownership of the same piece of land. The administrative practices involved are not exempt from various issues, including matters related to the cancellation of land ownership certificates, which will be discussed and analyzed in this study.

When a piece of land is registered with more than one certificate, it is considered a case of dual land rights. This situation results in legal uncertainty for the holders of the rights, a phenomenon that is clearly undesirable in the administrative process in Indonesia. The phenomenon of duplicate land certificates is commonly found in Tangerang Regency, leading to disputes among rights holders who accuse each other of wrongfully claiming ownership, even though some of the land rights are later revoked. This situation necessitates legal certainty regarding land ownership rights. Some of these rights holders have filed lawsuits with the court related to state administration, which is deemed competent to provide a definitive legal ruling on the land rights holders and to invalidate some of the land ownership claims, thereby establishing that only one party holds the legitimate ownership of the land, while the others do not.

The issue discussed concerns the ownership of the deed of sale and purchase and the certificate, which resulted in the cancellation of ownership certificate No. 55 of Tanjung Pasir Village, in the name of Etjah. Situation Map No. 2936 dated July 10, 1981 Referring to the Decision Letter issued by the Head of the West Java Agrarian Inspection Office with number 76/VII/Insp.C/50/1964 on December 31, 1964, along with Survey Letter No. 2936 dated July 10, 1981, covering an area of 21,345 square meters, last recorded in the name of Andre Lucas Sim, with the following history: on July 10, 1981, Certificate of Ownership No. 55/Tanjung Pasir was issued in the name of Etjah. Site Plan No. 2936 dated July 10, 1981, refers to the approval of the Chairman of the West Java Agrarian Inspection No. 76/VII/Insp.C/50/1964 dated December 31, 1964. On May 13, 2009, it was transferred to Suha Bin Eneng, based on

Inheritance Certificate No. 593/24-Ket/DS.TLGS/08 dated June 11, 2008, and finally on May 13, 2009, the rights were transferred from Suha Bin Eneng to Andre Lucas Sim, in accordance with Sale and Purchase Number 1.063/2008 dated December 30, 2008, prepared and signed in the presence of Martianis, S.H., as the Head of Land Deed Preparation in the Tangerang Regency area.

## METHOD

The research method used by the author is normative empiricism. Normative empiricism is an understanding of law in terms of norms (rules) and the implementation of legal rules in actual behavior as a result of the enforcement of legal norms. Such behavior can be observed in real life and serves as evidence of whether citizens have behaved in accordance with or contrary to normative legal provisions (written legal regulations and other supporting documents). Researchers use normative empirical research because legal research is based on legal research that not only examines the system of norms in legislation, but also observes the responses and dynamics that arise when these norms are applied in society as the object of study.

## RESULTS AND DISCUSSION

A lawsuit filed with the Administrative Court (PTUN) is referred to as an administrative lawsuit. According to Article 1 point 11 of Law Number 51 of 2009, such a lawsuit is a petition containing claims against an administrative body or official and is filed with the court to obtain a ruling. Article 1(12) of Law No. 51 of 2009 explains that the defendant is an administrative body or official who issues a decision based on their authority or authority delegated to them, and is sued by a civil legal entity. Additionally, Article 53(1) of Law No. 9 of 2004 states that an individual or civil law entity who feels aggrieved by a government administrative decision may file a lawsuit. This study focuses on the object of the Administrative Lawsuit (TUN), namely the Administrative Lawsuit Official's Decree in the form of a Certificate of Ownership (SHM) Number 55/Tanjung Pasir issued on July 10, 1981, with an area of 21,345 m<sup>2</sup>. The certificate is based on Situation Drawing Number 2936/1981 dated July 10, 1981, located in Tanjung Pasir Village, Teluk Naga Subdistrict, Tangerang Regency, in the name of Andre Lukas Simon. The case study of the cancellation of Ownership Certificate Number 55 in Tanjung Pasir Village, Tangerang Regency, can be described in terms of the history of the problem, the basis for acquisition, control of the land, and the root of the problem as follows:

### History of the Issue

Status of the Land Subject to cancellation:

- a. That the land for which cancellation is requested is Certificate of Ownership No. 55/Tanjung Pasir. Survey Letter No. 2936 dated July 10, 1981, covering an area of 21,345 m<sup>2</sup>, last registered in the name of Andre Lukas Simon, located in Tanjung Pasir Village, Teluk Naga Subdistrict, Tangerang Regency, Banten Province.
- b. That Certificate of Ownership Number 55/Tanjung Pasir was issued by the Tangerang Regency Land Office on June 30, 1981.

- c. Based on the Decree of the Head of Inspection based on West Java Agrarian Affairs, dated December 31, 1964, Number 76/VIII/Insp. C/50/1964, Serial Number 2807.
- d. Certificate of Ownership Number 55/Tanjung Pasir was first registered in the name of Etjah, which was transferred to Suha Bin Eneng based on Certificate of Inheritance Number 593/24-Ket/DS. TGLS/08 dated June 11, 2008, made before Hermawan Atmajaya as Head of Tegalangus Village, and then transferred to Andre Lukas Simon based on Deed of Sale and Purchase No. 1.063/2008 dated December 30, 2008, made before Martianis, S.H., as the Land Deed Officer of Tangerang Regency.

#### **Basis for Acquisition and Control of Land**

- a. Mr. Vreddy claims customary land rights based on Deed of Sale and Purchase Number 555/2010 dated December 21, 2010 from Mr. Suparman covering an area of 22,000 m<sup>2</sup> located in Tanjung Pasir Village, Teluknaga Subdistrict, Tangerang Regency with customary land rights, namely Parcel Number 47, D.III, Kohir C Number 878.
- b. The land in question, as stated in the Field Research Report dated February 24, 2023, Number 320.1/BA.36.03.MP.02.02/II/2023, is physically controlled by Vreddy, with the current condition of the land being land that will be developed.

#### **The Root Cause of Certificate Cancellation.**

The root cause of the certificate cancellation began with Vreddy, who claimed customary land rights based on Deed of Sale Number 555/2010 dated December 21, 2010, from Mr. Suparman for an area of 22,000 m<sup>2</sup> located in Tanjung Pasir Village, Teluknaga Subdistrict, Tangerang Regency, with the basis of Customary Land Rights being Parcel Number 47, D.III, Kohir C Number 878. Subsequently, Vreddy authorized Indrarini Sawitri, S.H., to submit an application for the certificate, but it was discovered that a Certificate of Ownership Number 55/Tanjung Pasir had already been issued for the aforementioned land. The Certificate of Ownership No. 55/Tanjung Pasir was issued on June 30, 1981, Survey Letter No. 2936 dated July 10, 1981, covering an area of 21,345 square meters, last recorded under the name of Andre Lucas Simon. Based on these circumstances, Vreddy filed a lawsuit regarding the subject matter of the Administrative Lawsuit (TUN) based on the guidance in the decision of Civil Case No. 766/Pdt.G/2020/PN.TNG dated December 17, 2020, which in its legal considerations stated that the lawsuit for unlawful acts, registered under No. 766/Pdt.G/2020/PN.TNG regarding the subject matter of the Administrative Lawsuit (TUN) falls under the jurisdiction of the Administrative Court. Subsequently, Vreddy filed a lawsuit regarding the subject matter of the Administrative Lawsuit (TUN) at the Administrative Court of Serang with Case Registration Number 10/G/2021/PTUN. SRG.

The issue of cancellation of Land Ownership Certificates in this study relates to Land Ownership Certificate Number 55/Tanjung Pasir in Teluknaga Subdistrict, Tangerang Regency, Banten Province. The certificate was obtained through a land registration process with the government, so it has legal force and protection under the law. In accordance with Article 19(2) of the Land Law, land registration includes surveying, recording of rights and their transfers, as well as the issuance of certificates of ownership, which serve as strong evidence of ownership. Additionally, Government Regulation No. 24 of 1997 states that the

state is responsible for conducting land registration for the benefit of the people and ensuring the certainty of land rights status in Indonesia. Issues arise when there are attempts to revoke this certificate, which requires an examination of the legality of the certificate's issuance and legal protection for the rights holder.

The administrative decision to revoke the decision to grant a Certificate of Ownership of land rests with the Head of the Land Office. This includes the authority to take policy measures in the event of a court ruling that cannot be enforced. All of these matters are entirely the responsibility of the Head of the Land Office to assess and make further decisions. The process of revoking the Certificate of Ownership for the aforementioned land is carried out through the case handling system, followed by the implementation of the court decision. The case handling is conducted as part of the litigation process, with the judicial proceedings carried out through civil or administrative channels. The case handling in court does not involve the Ministry as a party, but the case concerns the Ministry's interests.

One example of such a case involves Land Ownership Certificate No. 55/Tanjung Pasir, as described in Survey Letter No. 2936/Tanjung Pasir/1981 dated July 10, 1981, covering an area of 21,345 square meters, which is currently registered in the name of Andre Lukas Simon, where the certificate holder is involved in a dispute due to dual ownership. The land dispute involves ownership rights to the land. The issuance of the certificate contains administrative defects based on a court decision that has become final and binding, located in Tanjung Pasir Village, Teluk Naga Subdistrict, Tangerang Regency, Banten Province.

The cancellation of Certificate Number 55/Tanjung Pasir, as discussed earlier, has caused uncertainty regarding the subject and object of the certificate. Therefore, the cancellation of a land ownership certificate may also occur if another party can prove that a piece of land for which a certificate has been issued is legally and genuinely theirs, and this is supported by a court decision that has become final and binding. There is no difference between the cancellation of a land ownership certificate and the cancellation of the land ownership itself, as when the land ownership certificate is canceled, the land ownership in question is automatically canceled as well.

A review of land administration law reveals several legal norms governing the cancellation of ownership certificates, including Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 18 of 2021. Article 1 point 14 of the Regulation of the Minister of Agrarian Affairs/ Head of the National Land Agency No. 9 of 1999 on Procedures for Granting and Revoking Rights to State Land and Management Rights defines the revocation of land rights as the revocation of a decision granting a right to land or a land title certificate due to a defect in the administrative decision granting the right in implementing a court decision that has become final and binding.

The article also explains that revocation of rights is different from withdrawal of rights. Revocation occurs because the recipient of the rights does not meet the requirements set forth in the decision granting the rights or because of an error in the decision. Thus, revocation is the act of canceling a right due to the recipient of the right not meeting the requirements or due to an error in the decision granting the right. The result of the revocation of the decision

is the cancellation of the land rights certificate.

The issue of legal certainty of certificates discussed in the previous point should be understood that certificates issued by government agencies are strong evidence of land ownership rights that cannot be challenged. However, in accordance with Article 32(1) of Government Regulation No. 24 of 1997, such certificates are only considered strong evidence as long as there is no conflicting evidence, and the physical and legal data contained therein are deemed to be valid facts. From this explanation, it can be concluded that certificates, even though issued by government agencies, still have the potential to be inaccurate (regardless of the cause).

Therefore, this can reduce the legal certainty inherent in the certificate itself. The purpose of Law No. 5 of 1960 is to establish a basis for legal certainty, so Article 19 of the UUPA regulates land registration. As a basis for ensuring legal certainty in the field of land affairs, the government conducts land registration throughout the territory of the Republic of Indonesia in accordance with the provisions of Government Regulation No. 24 of 1997 on land registration.

Article 3 of Government Regulation No. 24 of 1997 stipulates that land registration has several main objectives. First, to provide legal certainty and protection to holders of rights to land, apartment units, and other registered rights, so that they can easily prove their ownership of such rights. Second, to provide information needed by relevant parties, including the government, to obtain the necessary data for the administration of laws related to land and apartment units. Third, to ensure the establishment of orderly land administration. From these objectives, there are three aspects of certainty to be achieved, namely:

1. Object Certainty

Certainty regarding technical matters (i.e., certainty regarding the location, area, and boundaries of the land in question) is necessary to avoid disputes in the future, both with parties who have limited land rights.

2. Rights Certainty

From a legal perspective, it is necessary to legally confirm who has rights to the land and whether there are any rights or interests of other parties (third parties) related to the land. With certainty of rights, rights holders can obtain clear and strong legal protection, thereby minimizing disputes or multiple claims over the same land.

3. Certainty of Subject

Certainty regarding who has rights to the land is very important so that every transaction or legal action related to the land can be carried out legally and avoid conflicts in the future. In addition, knowing whether or not there are third party rights or interests is also crucial to anticipate potential disputes or claims that may arise, so that actions to protect or secure land rights can be carried out appropriately. This also ensures that the control and use of land takes place safely and effectively without legal interference.

The results of secondary data research on Court Decision No. 10/G/2021/PTUN.SRG dated June 30, 2021, show that the defendant filed an appeal on July 15, 2021. After

calculating the appeal period from the date the defendant filed the appeal on July 15, 2021, to the date of the Administrative Court Decision of Serang on June 30, 2021, the defendant's appeal was still within the 14-day period as stipulated in Article 123 of Law No. 51 of 2009 on the second amendment to Law No. 5 of 1986 on Administrative Courts, in conjunction with Perma No. 1 of 2019 on case administration and court proceedings conducted electronically, the defendant's appeal is formally admissible.

Case files consisting of a copy of the Serang Administrative Court Decision Number 10/G/2021/PTUN/SRG dated June 30, 2021, minutes of the preliminary examination, minutes of the trial examination, evidence submitted by the parties, witnesses, the appeal memorandum, the counter-appeal memorandum, and other documents related to this dispute. The actions of the appellant/defendant in issuing Certificate of Ownership No. 55/Tanjung Pasir dated July 10, 1981, in the name of Etjah as the original owner of the disputed property, who had passed away long before the issuance of the disputed property on February 16, 1970, are legally flawed, and the defendant/respondent has been unable to present the land title deed or land book for the disputed property up to the time of evidence and conclusion, thereby failing to prove the validity of the issuance of the disputed property.

The subject of the lawsuit in this case is Certificate of Ownership Number 55/Tanjung Pasir issued on July 10, 1981, covering an area of 21,345 m<sup>2</sup> (twenty-one thousand three hundred forty-five square meters). Site Plan No. 2936/1981, dated July 10, 1981, located in Tanjung Pasir Village, Teluknaga Subdistrict, Tangerang Regency, in the name of Andre Lukas Simon. The main reason for the Plaintiff's lawsuit is that the issuance of the disputed land object violates or contradicts applicable laws and regulations, namely Government Regulation No. 10 of 1961 on Land Registration.

The provisions of Article 15 paragraph (2) of Government Regulation No. 10 of 1961 state: "to those who are entitled to be given a certificate". This provision sets a limitation that certificates are only issued upon request by those entitled to them. Therefore, when considering the name listed in the disputed object, how can a person who has passed away be listed in the certificate of the disputed object as the original owner of Certificate of Ownership No. 55/1981? Based on the aforementioned considerations, it is established as a matter of law that the disputed object, Freehold Title No. 55/Tanjung Pasir, was issued 11 (eleven) years after Etjah's death. Therefore, according to the Court, the information in the certificate indicating Etjah as the original owner of the land cannot be verified as accurate. Pursuant to Article 3(2) of Government Regulation No. 10 of 1961 on Land Registration, prior to conducting a land survey for the issuance of a certificate, the Defendant must conduct an investigation into the history of the land for which the certificate is being requested. During the trial, the Court gave the Defendant sufficient opportunity to prove the existence of the document for the issuance of Certificate of Ownership No. 55/Tanjung Pasir, which is the subject of the dispute. However, by the time of the conclusion hearing, the Defendant was unable to submit such evidence, so the Defendant's defense could not be proven.

The provisions of Article 13 paragraph (4) of Government Regulation No. 10 of 1961 concerning Land Registration explain that "Copies of land books and measurement

certificates, after being bound together with a cover in a form determined by the Minister of Agrarian Affairs, are referred to as Certificates and are given to the rightful owner.” therefore, it can be concluded that the documents for land rights registration should include not only the land book but also the survey document as an inseparable part of the certificate. Consequently, if there are errors or legal defects in the preparation of the survey document and land book, the certificate becomes legally defective by extension. Based on all of the above legal considerations, procedurally and substantively, the issuance of a certificate for the disputed object that does not meet the provisions of Government Regulation No. 10 of 1961 concerning Land Registration and Minister of Home Affairs Regulation No. 5 of 1973 concerning Procedures for Granting Land Rights will be legally problematic.

The researcher links the decision of the Administrative Court No. 10/G/2021/PTUN-SRG with Gustav Radbruch's theory of legal certainty, which was discussed in Chapter 1, stating that there are four elements related to the meaning of legal certainty, one of which is positive law, meaning that law refers to legislation. In relation to this research, the researcher uses legislation to address the legal issues being studied, meaning that legislation is positive law that can be used as a legal source in analyzing Administrative Court Decision No. 10/G/2021/PTUN-SRG.

The drafting, issuance, and implementation of a decision are not only based on the provisions of the law, but must also take into account aspects related to government decisions so as not to violate the law. Therefore, the process must be based on principles developed by legal theory and jurisprudence, known as the general principles of good governance. First, the principle of professionalism requires that decisions issued by State Administrative officials, such as the National Land Agency, must be based on careful consideration of relevant and objective facts. In addition, all related interests must be taken into account so that the decisions made are not arbitrary. Second, the principle of accountability requires that every action and result of state administration must be accountable to the people as the highest authority. In this context, the adjudication committee is considered less accountable because it did not call witnesses during the measurement process of the disputed object.

Looking at the Freehold Title No. 55 land book on the First Registration page, the name of the Original Holder is Etjah. Based on this evidence, it is known that the person who should have applied for the registration of the former state land was the late Etjah, as evidenced by Death Certificate No. 454/Ket. KEM/XII/2007 dated December 7, 2007, it is known that Etjah/Ecah passed away on February 16, 1970, and the evidence in the form of a Heir's Statement stating that the late Etjah passed away in 1970. Thus, it is established that the land registration application was made by Etjah, who had already passed away long before the issuance of the disputed certificate. Therefore, based on these facts, the validity of the application for the issuance of the certificate cannot be substantiated.

The cancellation of Land Ownership Certificates (SHM) recorded in the administration has various legal consequences for the parties concerned, including:

1. For Land Ownership Certificate Holders  
Holders of Land Ownership Certificates may lose their rights to the land listed in the

SHM, be obligated to return the land, and suffer financial losses.

2. For Other Parties

The cancellation of an administratively flawed Land Ownership Certificate may create legal uncertainty for other parties with an interest in the land, such as buyers, tenants, or parties with liens. It may also trigger disputes between parties with an interest in the land.

3. For the National Land Agency

The cancellation of land title certificates with administrative defects can damage the reputation of the BPN as the agency responsible for land registration. In this case, the BPN may be sued for damages by parties who have suffered losses as a result of the cancellation of land title certificates with administrative defects.

Classification of the consequences of cancellation, including:

1. Consequences for the subject of rights. The subject of rights in the land registration system is a person or legal entity that can prove a legal relationship to a particular land title. Regarding the legal consequences of the cancellation of a Land Ownership Certificate, this means the removal or elimination of the subject of rights in the land registration system. This cancellation process can be carried out based on the implementation of a court decision that has permanent legal force or due to administrative defects. In addition, after the cancellation, a new subject of rights will emerge in accordance with the cancellation decision that creates a legal relationship between the land object and the entitled party, in accordance with the court decision.
2. The revocation of land rights in the land registration procedure is regulated in Government Regulation No. 24 of 1997, Article 52, paragraph 1, letter b, which states that the revocation of rights is carried out based on a copy of the decision letter from the authorized official stating that the rights have been canceled or revoked. The cancellation of a Certificate of Ownership of land is evidenced by a Decision Letter, namely a *beschikking* from the State Administrative Officer, which is concrete, individual, and final, thereby giving rise to legal consequences for the individual or legal entity concerned.

The cancellation of land rights involves the termination of the legal relationship between the subject of the right and the object of the right registered with the local Land Office, and gives rise to a new legal relationship (a person or legal entity that is eligible). From a civil law perspective, the resolution of land disputes as stated in court decisions that have permanent legal force varies, because the type of case is not the same in every instance. However, in general, civil disputes involve disputes that arise due to the formation of new legal relationships that create rights holders, whether individuals or legal entities, related to legal acts or events that cause losses to other parties.

Both in terms of procedure and substance, the issuance of the disputed object has violated applicable laws and regulations. In addition, the decision of the Banten National Land Agency to issue Certificate of Ownership No. 55/Tanjung Pasir also contradicts the general principles of good governance. Therefore, the decision regarding the disputed property is

justified for annulment, so the Plaintiff's claim is warranted, and the National Land Agency is obligated to revoke the certificate and remove it from the Land Registry. The judge's consideration on the merits of the case states that the Plaintiff's claim is granted in full. The judge decided to revoke the Certificate of Ownership No. 55/Tanjung Pasir issued on July 10, 1981, with an area of 21,345 square meters, based on Site Plan No. 2936/1981 dated July 10, 1981, located in Tanjung Pasir Village, Teluknaga Subdistrict, Tangerang Regency, in the name of Andre Lukas Simon.

The judge's consideration in the main case stated that the Plaintiff's claim was granted in its entirety. The judge decided to revoke Certificate of Ownership Number 55/Tanjung Pasir issued on July 10, 1981, with an area of 21,345 square meters, based on Site Plan No. 2936/1981 dated July 10, 1981, located in Tanjung Pasir Village, Teluknaga Subdistrict, Tangerang Regency, in the name of Andre Lukas Simon. The defendant is ordered to revoke and remove from the Land Registry the State Administrative Decision in the form of Certificate of Ownership No. 55/Tanjung Pasir issued on July 10, 1981, covering an area of 21,345 square meters, based on Site Plan No. 2936/1981 dated July 10, 1981, located in Tanjung Pasir Village, Teluknaga Subdistrict, Tangerang Regency, in the name of Andre Lukas Simon. Additionally, the Court ordered the Defendant to pay litigation costs amounting to Rp320,000 (three hundred twenty thousand rupiah).

Decision of the Head of the Banten Provincial Land Agency Regional Office regarding the cancellation of Ownership Certificate Number 55/Tanjung Pasir, issued on July 10, 1981, measurement letter number 2936 dated July 10, 1981, covering an area of 21,345 m<sup>2</sup>, last recorded in the name of Andre Lucas Sim, located in Tanjung Pasir Village, Teluknaga Subdistrict, Tangerang Regency, West Java Province (now Banten Province) as the implementation of a court decision that has become final and binding (Inkracht Van Gewijsde), namely:

1. Cancellation of Ownership Certificate Number 55/Tanjung Pasir, issued on July 10, 1981, measurement letter number 2936 dated July 10, 1981, covering an area of 21,345 m<sup>2</sup>, last recorded in the name of Andre Lucas Sim, located in Tanjung Pasir Village, Teluknaga Subdistrict, Tangerang Regency, West Java Province (now Banten Province).
2. Declaring that Land Title Certificate No. 55/Tanjung Pasir, issued on July 10, 1981, survey letter No. 2936 dated July 10, 1981, covering an area of 21,345 m<sup>2</sup>, last registered under the name of Andre Lucas Sim, located in Tanjung Pasir Village, Teluknaga Subdistrict, Tangerang Regency, West Java Province (now Banten Province), is not valid as proof of legal ownership of the land.
3. Instruct the head of the Tangerang Regency Land Office to:
  - a. Cross out and initial/correct the certificate in the land title registration system.
  - b. Record the cancellation of the transfer of the certificate in the land register in the First Dictum, as well as other records in the land registration administration section.

- c. Withdraw the original Certificate of Ownership as referred to in the First Provision from circulation, and if withdrawal is not possible, publish the contents of the First Provision once in a daily newspaper circulating in Tangerang Regency at the applicant's expense.
4. If there are errors/mistakes in the determination, corrections will be made as necessary. Legal facts must be clearly formulated so as not to cause errors in interpretation and to facilitate implementation. In this context, there is a fact that the decision made by the Defendant clearly contradicts the provisions of the law, particularly Government Regulation No. 24 of 1997 concerning Land Registration. Therefore, the panel of judges decided to revoke Certificate of Ownership No. 55/Tanjung Pasir. Positive law should not be changed arbitrarily, as court decisions in land disputes are intended to provide legal certainty. The parties involved in the dispute, especially the losing party, are obligated to comply with and accept the decision, even if it may cause harm to one of the parties.

## CONCLUSION

Based on the descriptions in the previous chapters, and as a conclusion to this discussion, the researcher attempts to draw several conclusions and provide answers to the problems identified in this study, including: Certificate of Ownership No. 55/Tanjung Pasir was revoked in the Decree of the Head of the Regional Office of the National Land Agency of Banten Province No. 1/Pbt/BPN.36/1/2024 concerning the revocation of Certificate of Ownership No. 5/Tanjung Pasir. This occurred because the Plaintiff did not obtain legal certainty, as the issuance of the subject of the administrative lawsuit on the Plaintiff's land was highly detrimental to the Plaintiff, since, de jure, the Plaintiff could not fully own the land, despite having occupied it since purchasing it in 2010. The issuance of the certificate contains administrative defects based on a court decision that has become final and binding. Therefore, the Certificate of Ownership No. 55/Tanjung Pasir must be revoked in accordance with the Supreme Court decision 10/G/2021/PTUN/SRG. Legal certainty regarding the cancellation of land title certificates as stipulated in Government Regulation No. 24 of 1997, Article 52(1) on Land Registration, essentially regulates the procedures for the cancellation of land rights, while Article 55 essentially regulates the procedures for changing land registration data based on court decisions or rulings. Additionally, there is Minister of Agrarian Affairs/Head of the National Land Agency Regulation No. 3 of 1997, where Article 125 essentially regulates changes to land registration data based on court decisions or rulings. In this case, it is true that the Administrative Court Decision No. 10/G/2021/PTUN-SRG was based on the fact that the land rights certificate was revoked because its issuance was not based on complete physical and legal data, thereby containing administrative legal defects. As a result of the legal consequences of land ownership rights in Administrative Court Decision No. 10/G/2021/PTUN-SRG, the land rights will revert to the plaintiff, as they can prove the validity of their rights in court. Therefore, it can be concluded that Land Ownership Certificate No. 55/Tanjung Pasir is not legally valid and cannot be enforced.

## REFERENCE

- Aartje Tehupeiry. *Pentingnya Pendaftaran Tanah di Indonesia*. Jakarta: Raih Asa Sukses, Jakarta. 2012
- Ali Achmad Chomzah, *Hukum Pertanahan Seri Hukum Pertanahan I & II*, Jakarta: Prestasi Pustakaraya, 2017
- Ani Purwati, *Metode Penelitian Hukum Teori Dan Praktek*, Surabaya: CV. Jakad Media Publishing, 2020
- Boedi Harsono, *Hukum Agraria Indonesia, Sejarah Pembentukan Undang-Undang Pokok Agraria Isi dan Pelaksanaannya, Hukum Tanah Nasional Jilid 1*, Jakarta: Universitas Trisakti, 2020
- Burhan Ashshofa, *Metode Penelitian Hukum*, Jakarta: Rineka Cipta, 2013
- Elza Syarif, *Menuntaskan Sengketa Tanah Melalui Pengadilan Khusus Pertanahan*, Jakarta: Kepustakaan Populer Gramedia, 2014
- H.M. Arba, *Hukum Agraria Indonesia*, Jakarta: Sinar Grafika, 2018
- Irawan Soerodjo, *Hukum Pertanahan Hak Pengelolaan Atas Tanah (HPL) Eksistensi, Pengaturan dan Praktik*, Yogyakarta: LaksBang Mediatama, 2014
- Ismail Nurdin dan Sri Hartati, *Metodologi Penelitian Sosial*, Surabaya: Media Sahabat Cendekia, 2019
- James Yoseph Palenewen, *Hak-hak Atas Tanah Dan Kekayaan Alam*, Bandung: Widina Media Utama, 2024
- Moeljarto, T.J., dan Sudarto, E., *Pengantar Hukum Agraria Indonesia*, Jakarta: Kencana Pranada Media Group, 2016
- Muhaimin, *Metode Penelitian Hukum*, Mataram: Mataram University Press, 2020
- Peter Mahmud Marzuki, *Penelitian Hukum*, Cetakan ke. 2. Jakarta: Prenada Media Group, 2016
- Philipus M. Hadjon. *Pengantar Hukum Administrasi Indonesia*. Yogyakarta: Gadjah Mada University Press. 2024
- Rahmat Ramadhani. *Beda Nama dan Jaminan Kepastian Hukum Sertifikat Hak Atas Tanah*. Medan: Pustaka Prima. 2018
- Satjipto Rahardjo, *Ilmu Hukum*, Bandung: Citra Aditya Bakti, 2014
- Supriadi, *Hukum Agraria*, Jakarta: Sinar Grafika, 2016
- Thahir, dkk, *Buku Ajar Pengantar Hukum Indonesia*, Jambi: PT Sonpedia Publishing Indonesia, 2024
- Urip Santoso, *Pendaftaran Tanah dan Peralihan Hak Atas Tanah*, Cetakan III, Jakarta: Kencana Prenada Media Group, 2013