The Role Of Land Certificates In Civil Dispute Resolution

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Abstract

The abstract of this study shows that land certificates have a very important role in resolving civil disputes in Indonesia. As a valid legal evidence, land certificates provide legal certainty for legitimate owners. However, there are a number of challenges in its implementation, such as the issuance of duplicate certificates, low public awareness of the importance of land registration, and administrative problems that often trigger disputes. The Complete Systematic Land Registration Program (PTSL) has had a positive impact by accelerating the issuance of certificates, but its implementation is still limited to several regions. Therefore, improvements are needed in the land administration system, public education regarding land registration, and stricter supervision of certificate issuance. Stricter law enforcement and strengthening of land policies are also needed to prevent land disputes in the future.

I. Introduction

Land disputes are one of the most common civil law issues in Indonesia. With the economic and emotional value attached to land, conflicts over ownership or rights to land often become complex and protracted issues. In the legal context, land certificates play an important role as valid proof of ownership. Land certificates, issued by the National Land Agency (BPN), provide legal certainty regarding land ownership status, protect the owner's rights, and minimize the potential for disputes. Land certificates are recognized as the strongest legal evidence based on Article 19 of the Basic Agrarian Law (UUPA) which provides legal certainty for land rights. As a document that has gone through an administrative process and measurement by the authorities, a land certificate is considered capable of proving a person's rights to certain land. However, although this certificate provides legal protection, in practice, land disputes still often occur due to various factors, such as inconsistencies in administrative data, claims of rights by third parties, or the issuance of duplicate certificates.

In resolving civil disputes involving land, land certificates are often the main document presented in court. The certificate serves to strengthen the legal position of the legitimate landowner, both in the process of mediation, arbitration, and litigation. In addition, the existence of a certificate also helps speed up the process of proof in court, so that conflicts can be resolved more efficiently. However, land certificates do not always stand alone as evidence. In many cases, other supporting evidence is needed, such as deeds of sale and purchase, wills, land ownership history, and testimonies from related parties. The challenges often faced in land disputes are when there are certificates that are issued illegally or there are allegations of irregularities in the certificate issuance process. In this situation, the court must test the validity of the certificate, including examining the history of land ownership, the legality of the land registration process, and the involvement of the parties involved. In addition, land disputes are also often caused by a lack of public understanding of the importance of land certificates as valid legal evidence, so that there are still many lands that are not registered or are only supported by weak evidence of ownership. This article will examine the role of land certificates in resolving

civil disputes in Indonesia, starting from their function as legal evidence, procedures for testing their validity, to the challenges faced in implementing the law in the field. Through this discussion, it is hoped that it can provide a deeper understanding of how land certificates can function as a solution in resolving civil conflicts. In addition, this article will also identify legal steps that can be taken to prevent future land disputes, including the importance of land administration reform and public education regarding land registration. Land certificates play a strategic role in resolving civil disputes, especially those related to land ownership or rights. As stated in various sources, this document not only provides legal certainty but also clarifies ownership status, thus preventing conflicts early on. President Joko Widodo, for example, emphasized the importance of land certificates, including waqf land, to ensure that there are no loopholes for the emergence of baseless claims that could trigger disputes in the future. In the context of dispute resolution, land certificates are often the main evidence in court and in mediation. Under the Basic Agrarian Law (UUPA), land certificates are considered strong legal evidence. However, challenges such as the issuance of duplicate certificates or unilateral claims remain. In cases like this, the aggrieved party can file a lawsuit with the State Administrative Court (PTUN) to assess the validity of the document.

In addition, government programs such as accelerating the issuance of certificates through the BPN aim to reduce the potential for conflict. However, the public is also encouraged to actively register their land and understand administrative procedures so that they not only have official documents but also avoid disputes due to data discrepancies. This article will explore in more depth how land certificates play a key role in preventing and resolving disputes, by combining legal aspects, administrative challenges, and preventive measures that can be taken. This includes recommendations for strengthening the land system and educating communities to understand their legal rights related to land.

2. Research Method

This study uses a qualitative descriptive approach to examine the role of land certificates in resolving civil disputes in Indonesia. This method was chosen to

explore in depth the phenomenon of land disputes and how land certificates contribute to providing legal certainty. The focus of the study is directed at analyzing the legal process, implementation of land policies, and challenges faced in resolving land disputes. Data were collected through literature studies of various legal documents such as the Basic Agrarian Law (UUPA), BPN regulations, and court decisions related to land disputes. In addition, this study also uses secondary data in the form of official government reports, legal journals, and relevant current news to enrich the analysis.

Data analysis was conducted thematically to identify important patterns in the use of land certificates as legal evidence. Researchers mapped the role of certificates in various stages of dispute resolution, whether through mediation, arbitration, or litigation in court. This study also explored the role of government policies, such as accelerating the issuance of land certificates, in preventing ownership conflicts.

Through this method, the study is expected to provide a comprehensive understanding of the relationship between land law regulations, dispute resolution practices, and preventive measures to reduce future land conflicts. The results of this analysis will be the basis for recommending strategic steps for policy makers and the community in managing land rights better.

3. Results and Discussion

This study produces several important findings related to the role of land certificates in resolving civil disputes. Land certificates have proven to be the most reliable legal evidence in various land dispute cases in Indonesia. Based on the results of the analysis, the function of the certificate as a legal document issued by the National Land Agency (BPN) strengthens the position of legitimate land owners in the eyes of the law. However, the findings also show that administrative and social challenges are still major obstacles in resolving land conflicts.

1. Function of Land Certificates in Legal Certainty Land certificates provide legal certainty as regulated in Article 19 of the Basic Agrarian Law (UUPA). This document is written evidence of land rights that not only protect the owner but also facilitate

the transaction process and dispute resolution in court. The latest data from the BPN shows that the Complete Systematic Land Registration (PTSL) program has reduced land disputes by 25% in areas where certificates have been issued.

2. Land Certificates as Primary Evidence in litigation processes, land certificates are often used as primary evidence. Analysis of several court decisions shows that parties who have land certificates have a greater chance of winning the case. However, there are cases where the validity of the certificate is questioned due to the existence of duplicate certificates or third-party claims.

3. Challenges in Implementation, although land certificates provide legal certainty, a number of obstacles still occur, such as:

a. Issuance of duplicate certificates: This problem often arises due to administrative negligence or historical conflicts over land ownership.

b. Lack of public awareness: Many people, especially in rural areas, do not understand the importance of registering their land, making them prone to conflict.

c. Protracted court processes: Some land dispute cases take years to reach a final decision, affecting social and economic stability.

4. Government Programs in Dispute Resolution Government efforts through programs such as PTSL and mediation by BPN have shown significant results. These programs not only accelerate the issuance of certificates but also encourage dispute resolution through non-litigation channels.

These findings indicate that land certificates play a very strategic role in resolving civil disputes. Certificates not only serve as legal evidence but also as an important instrument to prevent conflict. However, the effectiveness of land certificates is highly dependent on the quality of land administration and public understanding of the importance of this document. To overcome existing obstacles, it is necessary:

1. Land Administration Reform Digitization of land data and integration between institutions can reduce the risk of administrative errors, including the issuance of duplicate certificates.

2. Improving Public Education The government needs to provide intensive socialization regarding the importance of land certificates, especially in rural areas.

3. Improving the Legal Process Simplifying the litigation process and strengthening the role of mediation can accelerate the resolution of land disputes.
4. Stricter Supervision Stricter law enforcement against irregularities in the certificate issuance process can increase public trust in the land system.

By implementing these steps, land certificates can be more effective in providing legal protection while preventing future disputes. The findings of this study are relevant to the government's efforts to improve the efficiency of land administration and ensure that land rights are protected fairly. In a more in-depth analysis of the role of land certificates, this study shows that although land certificates are recognized as strong legal evidence, there are still many challenges that must be faced to ensure their effectiveness in resolving civil disputes. One of the main challenges found is the issuance of duplicate certificates, which often occurs due to administrative errors or overlapping claims from various parties. This is a major problem in the context of land disputes, considering that land certificates must be able to provide legal certainty that cannot be challenged by any party. In addition, the lack of public understanding of the importance of the land registration process also worsens this condition. Based on data from the National Land Agency (BPN), around 30% of land in Indonesia has not been officially registered, so that the land does not have legal proof of ownership and is prone to becoming the object of disputes.

The importance of land certificates as evidence in resolving disputes is increasingly evident in the context of litigation in court. This certificate provides a strong basis for the legal owner of the land to prove their rights to a property, as well as being the main reference in various legal processes. However, in some cases, land certificates are not always sufficient to resolve disputes, especially when there are stronger claims from other parties or when the certificate was issued illegally. For example, in situations where there is a change in the legal status of land through a sale or inheritance mechanism, the process of verifying the validity of the certificate becomes very important. The court must be able to verify whether the certificate held is in accordance with the facts on the ground, which often involves collecting additional evidence such as deeds of sale or other documents that support the history

of ownership of the land. In line with this, the government's policy in accelerating land registration, as stated in the Complete Systematic Land Registration Program (PTSL), has made a positive contribution to accelerating the land registration process and reducing the number of disputes. This program aims to reduce legal uncertainty related to land rights, so as to minimize the chances of disputes arising. However, the implementation of this program is still limited to several areas, especially in areas that still have minimal administrative facilities. Therefore, further efforts are needed from the government to ensure equal access to land registration and strengthen the land administration system throughout Indonesia.

In addition, stricter law enforcement against irregularities in the issuance of land certificates, such as forgery or abuse of authority in the land administration process, is also needed. This aims to maintain the integrity of the land system and prevent cases that could harm legitimate land owners. Reforms in the land administration system and increasing the capacity of institutions involved in the process will have a significant impact on resolving land disputes in the future. In this study, it was found that although land certificates have an important role as valid legal evidence, their implementation in the field often faces various obstacles. For example, land dispute cases in several regions in Indonesia often involve the problem of issuing double certificates, where two certificates are issued for the same land by different parties. This occurs due to weaknesses in land administration, which allows overlapping claims of ownership. For example, in the case in Indramayu Regency, two parties claimed ownership of the same land, and both had valid certificates according to BPN records, even though the history of land ownership showed changes that were not clearly recorded. This case is a real example of how land certificates that should provide certainty actually add to the complexity of disputes if land administration is not carried out properly.

On the other hand, the lack of public understanding of the importance of land certificates as valid legal evidence also worsens the situation. In some rural areas, much land is not registered or only has proof of ownership in the form of unverified land certificates. For example, in several villages in South Sulawesi, many residents

have controlled land for generations without officially registering it with the BPN. This makes the land vulnerable to claims from third parties who claim to have rights to the land based on certificates issued illegally or due to administrative errors. As a result, land that is not registered or has weak proof of ownership is at high risk of civil disputes. The Complete Systematic Land Registration Program (PTSL) promoted by the government to register unregistered land has the potential to reduce the number of land disputes. For example, in Central Java, this program has succeeded in registering more than 100,000 plots of land in a year, reducing disputes in the area because people are starting to understand the importance of having valid land certificates. However, the implementation of this program is hampered in several areas that still lack adequate resources or infrastructure to speed up the registration process.

Land certificates, although providing legal certainty, must be supported by a transparent and appropriate administration system. One important example of this is the case of a land dispute in Bali involving customary land. Customary land in Bali often has a status that is not properly recorded in the land administration system, even though the land has long been controlled by the customary community. When the customary community tries to obtain a land certificate to strengthen their rights, it is often found that the land has been controlled or managed by another party, who has a certificate in their name.

This case shows the importance of strengthening the land administration system that takes into account the status of customary land and provides clear legal protection for legitimate land owners, including customary communities. Thus, to ensure that land certificates function effectively in resolving disputes, improvements are needed in the land administration process, education for the community about the importance of land registration, and stricter supervision of the certificate issuance process. These steps are expected to prevent future land disputes and provide better legal certainty for all parties involved.

4. Conclusion

The conclusion of this study underscores the critical role of land certificates in resolving civil disputes in Indonesia, emphasizing their function as a valid legal tool that guarantees legal certainty for legitimate landowners. However, several significant challenges hinder the full implementation of land certificates. One primary issue is the issuance of duplicate certificates, which often occurs due to administrative errors or overlapping land claims. These duplicates can lead to prolonged disputes, as different parties present conflicting evidence of ownership. Such issues underscore the importance of improving the land administration system, which must be more accurate and transparent to prevent these complications.

Furthermore, there is a pressing need to increase public awareness about the importance of land registration. Many landowners, particularly in rural areas, either remain unaware of the registration process or neglect it, leaving their land prone to legal challenges. The Complete Systematic Land Registration Program (PTSL) has made notable progress in reducing land disputes by accelerating the issuance of certificates, but its implementation has been inconsistent. This limitation is particularly felt in areas where administrative infrastructure is weak, and where people may lack access to the necessary resources or knowledge to take full advantage of the program.

For land certificates to be more effective in resolving disputes, systemic improvements are essential. This includes strengthening the land administration framework to ensure more accurate record-keeping and implementing digital systems that reduce human error. Additionally, the government should invest in educating the public, especially in rural communities, about the benefits of land registration and the risks of not having a certified land title. Strengthening the land registration process will not only mitigate legal risks but also provide greater economic security for landowners.

Furthermore, stricter enforcement of laws related to land registration and the issuance of certificates is critical. Current legal frameworks need to be more robust in penalizing irregularities such as fraud, mismanagement, or corruption in the land certification process. It is equally important for policymakers to continuously evaluate and strengthen land policies to ensure they are responsive to emerging challenges and can adequately address the evolving needs of both landowners and the broader society.

In conclusion, while land certificates are vital in providing legal certainty and resolving land disputes, addressing the administrative weaknesses, enhancing public understanding, and ensuring rigorous law enforcement are all necessary steps to make land certification more effective and prevent future conflicts.

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