

Legal Status of Land Rights Certificates due to Neglect by Rights Holders and Decades of Occupation: A Normative Legal Study

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Abstract

This study analyses the legal status of land title certificates when their holders neglect the land, allowing it to be occupied by the community for decades. Based on a normative legal approach, this study examines primary legal materials (laws and regulations and court decisions) and secondary materials (scientific literature) to examine the relationship between legal certainty, the social function of land, and administrative corrective mechanisms. The results show that certificates are strong evidence— but not absolute—because their validity is conditional on the accuracy of physical-legal data and the holder's compliance with social functions. Neglect (land not used/utilised/maintained) opens up the possibility of land being declared abandoned and rights revoked through administrative procedures, while long-term occupation by the community gives rise to the need for normative-factual assessments that balance formal certainty and substantive justice. This study identifies misunderstandings about the certainty of certificates as triggers for abandonment and escalation of disputes when rights holders seek to restore physical control. It recommends prevention based on utilisation plans, boundary and data validation (title validation), collaborative mapping, and transparent and standardised administrative enforcement. Policy implications emphasise education on social functions, modernisation of land administration, and compensation/guarantee mechanisms that maintain public trust without neglecting rights protection. The findings enrich the land reform discourse with an operational testing framework.

1. Introduction

Land occupies a strategic position in Indonesia's socio-economic structure: it is the basis for settlement, production and infrastructure, as well as supporting welfare and social stability (Widiyono & Khan, 2023; Subekti & Anggoro, 2023). Within the constitutional framework, Article 33 paragraph (3) of the 1945 Constitution mandates the control and utilisation of land, water, and natural resources for the greatest possible prosperity of the people—which is then reinforced through the national land law regime (UUPA) and land registration as an instrument of legal certainty of land rights. At the implementation level, the transformation towards reliable land administration—including digitalisation—is seen as key to improving data quality, certainty of rights, and public access (Hidayat et al., 2023; Jahani Chehrehbargh et al., 2024; de Vries & Voogt, 2023; Huda et al., 2024).

However, practices in the field reveal a significant paradox: certified land is often controlled by the community in the long term—often due to the lack of management/utilisation by rights holders, or weak physical control at the local level—thus creating friction between formal certainty and the reality of factual control (Meckelburg & Vel, 2024; Astuti & McGregor, 2022; Susman & de Vries, 2021). At this point, a key normative question arises: to what extent can the validity of certificates as strong evidence of rights be maintained when physical control by communities has been ongoing for many years? This question is relevant because prolonged control is often intertwined with socio-economic dimensions (access to living/working space), agrarian policy (reorganisation of space/redistribution), and cadastral data management (boundary accuracy, map overlay, and overlapping claims) (Martono et al., 2021; Aditya et al., 2020, 2025; Wibowo & Sitorus, 2023).

Theoretically, the literature asserts that legal certainty in land matters is rooted in the reliability of data and registration processes (fit-for-purpose, boundary/map quality, and proportional procedures), as well as institutional capacity to ensure the formal and material validity of title documents (Aditya et al., 2025; Martono et al., 2021; Kurnia et al., 2025). At the same time, governance and policy studies point to the need for harmonisation between development interests, rights recognition, and social risks—including land reform, land banks, and the impact of large-scale acquisitions—so that the enforcement of rights does not neglect the social function of land (Roestamy et al., 2022; McCarthy et al., 2022; Herusantoso, 2024; Almeida & Burns, 2025). It is this tension that often sparks persistent agrarian conflicts, from urban areas to plantations, when formal claims come up against long-standing community control (Bakker et al., 2023; Putra et al., 2024; Kurniawan et al., 2024).

In Indonesia, accelerated registration through PTSL improves the scope of rights certainty, but also reveals challenges: data quality, costs, and post-

certification tenure security, especially when administrative data confronts the reality of unrecorded control (Aditya et al., 2025; Kurnia et al., 2025). The digitisation of certificates (e-certificates) offers opportunities for efficiency and integrity, but still requires material verification of the subjects and objects of rights as well as spatial-juridical conformity (Hidayat et al., 2023; Jahani Chehrehbargh et al., 2024). On the other hand, participatory approaches and responsible land management (8R) are promoted to narrow the gap between formal certainty and substantive justice, including in areas with high levels of dispute (Aditya et al., 2020; de Vries & Voogt, 2023; Rudiarto et al., 2025).

Looking at previous studies, at least three research gaps stand out. First, there is no systematic normative framework for assessing the validity of certificates in cases of long-term community control, which integrates formal-material prerequisites, the principle of legal certainty, and the social function of land (Wibowo & Sitorus, 2023; Aditya et al., 2025). Second, the connection between positive norms (registration regulations, evidentiary status, administrative cancellation procedures) and jurisprudence/rulings in the context of long-term possession has not yet been formulated operationally for land and judicial officials (Roestamy et al., 2022; Herusantoso, 2024; McCarthy et al., 2022). Third, the literature on land conflicts often describes socio-economic dynamics, but rarely crosses over to testing the validity of certificates as the main object of analysis when long-term de facto possession has occurred (Bakker et al., 2023; Putra et al., 2024; Meckelburg & Vel, 2024; Astuti & McGregor, 2022).

Based on these gaps, this study explicitly positions itself to formulate normative criteria for assessing the legitimacy/validity of certificates in situations of long-standing community possession, through a normative juridical approach based on an analysis of relevant legislation, doctrine, and court decisions—supported by an understanding of contemporary land administration policies and practices (Aditya et al., 2025; Kurnia et al., 2025; Jahani Chehrehbargh et al., 2024; Huda et al., 2024). Thus, the results of the study are expected to provide an academic contribution in the form of enriching the analytical framework of certificate validity, as well as policy benefits for ATR/BPN, the judiciary, and local governments when dealing with cases that bring together formal certainty with factual control that has been going on for decades (Almeida & Burns, 2025; de Vries & Voogt, 2023; Roestamy et al., 2022).

2. Research Method

This study uses a normative legal method (doctrinal legal research) because the questions answered are normative in nature—namely, assessing the validity of land rights certificates when there has been physical control by the community for many years. This type of focus requires legal reasoning based on legislation, principles, doctrines, and jurisprudence, rather than empirical measurements of

social behaviour (Marzuki, 2017; Sunggono, 2013). In the tradition of legal research, the normative juridical approach is most appropriate for (i) interpreting positive norms (the 1945 Constitution, the Basic Agrarian Law, Government Regulation No. 24/1997, and derivative regulations), (ii) assessing the formal-material validity of a right, and (iii) developing normative arguments and coherent assessment criteria for legal certainty (Hutchinson & Duncan, 2012; Ibrahim, 2012). Therefore, the main orientation of this research is to explain what the law is and how the law should be applied in disputes between certificate holders and community control.

The legal materials analysed consist of primary and secondary materials. Primary materials include legislation (1945 Constitution Article 33 paragraph (3), UUPA No. 5 of 1960, Government Regulation No. 24 of 1997 concerning Land Registration and its implementing regulations), court decisions/jurisprudence related to the validity/cancellation of certificates, overlapping rights, and the principle of legal certainty, as well as administrative instruments (e.g. Minister of Agrarian Affairs/National Land Agency Regulations) relevant to the registration, cancellation, and supervision of rights. Secondary materials include academic literature (methodology and agrarian/land administration doctrine books), reputable journal articles with DOIs on legal certainty, PTSL/registration, certification, and agrarian conflicts, as well as legal commentaries/annotated statutes and policy reviews. This distinction is important because primary materials are authoritative/binding as sources of law, while secondary materials are explanatory-analytical in nature to understand, interpret, and critique primary materials (Soekanto & Mamudji, 2015; Marzuki, 2017).

The materials were collected through document studies of regulations, decisions, and scientific literature. The sources were traced using library catalogues and legal/land journal databases (e.g. Law Reform, Land, Land Use Policy, Jurnal Ilmu Kenotariatan). The selection of materials was based on (i) normative relevance to the issue of certificate validity and long-term control; (ii) credibility (authority of the publisher, reputation of the journal, existence of a DOI); and (iii) recency, with an emphasis on articles from the last five years to support the context of contemporary land policy and administration.

The normative analysis applies several complementary interpretative approaches: a statute approach to interpret the provisions of the UUPA, PP 24/1997, and regulations related to the registration/cancellation of rights and the principles of certainty and social function; a conceptual approach to clarify key concepts—certificate validity, legal certainty, and long-term physical control—while developing normative testing criteria; the case law/jurisprudential approach to map patterns of reasoning and weight of evidence in similar cases (administrative defects, overlaps, long-standing claims of control); a historical approach to tracing

the development of certification/registration policies and the social function of land; and a limited comparative approach to comparing fit-for-purpose practices and positive/negative publication models in land registration as relevant comparators (Hutchinson & Duncan, 2012; Ibrahim, 2012; Mertokusumo, 2014).

The analysis procedure was conducted qualitatively through three pathways: qualitative content analysis with coding of key themes/rules (formal and material requirements for certificates, registration procedures, grounds for cancellation, principles of social function) confirmed by official explanations and judicial considerations; the development of an issue–norm–implication matrix to assess the relationship between norms and the problem of validity when community control has been in place for a long time; doctrinal comparison of scholars' views on legal certainty, the probative value of certificates, and social function, which were then tested for consistency with positive regulations and jurisprudence; as well as conceptual synthesis to integrate the findings into a framework of normative criteria for assessing the validity of certificates and operational policy recommendations (administrative/adjudicative) for ATR/BPN and the judiciary. The validity and credibility of the arguments are maintained through audit trails and cross-checking between sources (primary vs. secondary), consistency in the chain of reasoning, and the use of authoritative citations in each key conclusion (Soekanto & Mamudji, 2015; Marzuki, 2017; Hutchinson & Duncan, 2012).

As a methodological limitation, this normative legal research does not collect empirical data through interviews, surveys, or observations, so the findings are normative prescriptions and legal analytical frameworks, not generalisations of social behaviour. This limitation is offset by the breadth of the normative basis, the depth of jurisprudential analysis, and the latest literature so that the application of norms remains contextual in land administration and dispute resolution practices.

The research method flow is summarised in Figure 1, which shows the relationship between problem formulation, selection of normative legal design, classification of legal materials (primary–secondary), interpretation approach (statute, conceptual, case law, historical, and limited comparative), to the stages of qualitative analysis and normative output.

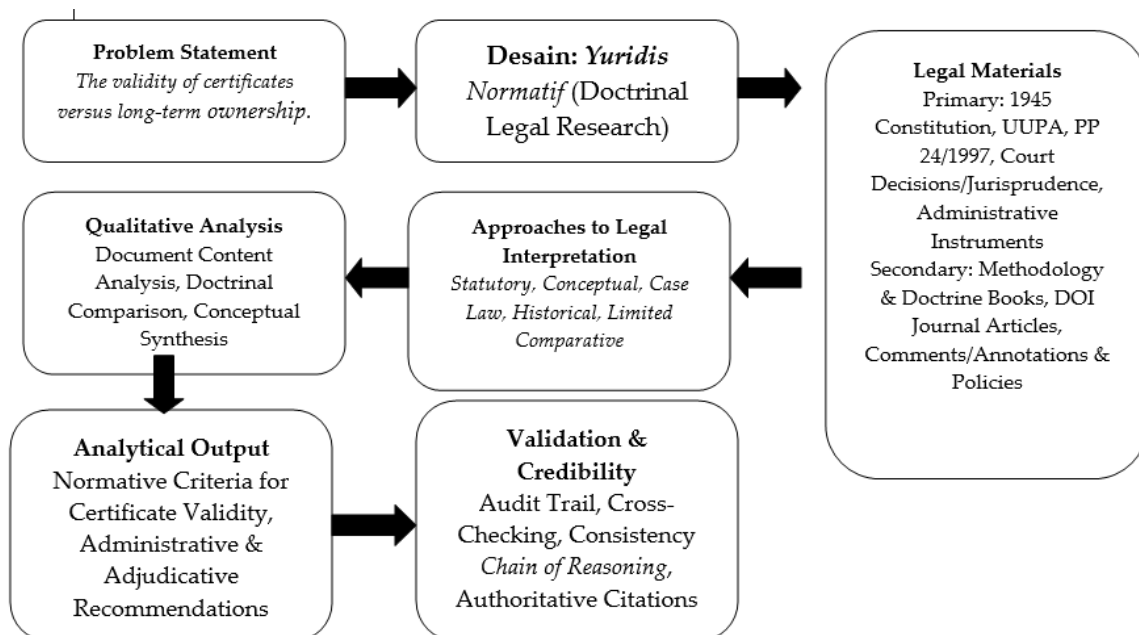


Figure 1. Normative Legal Research Method Chart

3. Results and Discussion

Legal Certainty of Land Rights Certificates in Indonesian Land Law

Article 1 paragraph (20) of Government Regulation (PP) No. 24 of 1997 emphasises that certificates are documents proving rights as referred to in Article 19 paragraph (2) letter c of the 1960 Basic Agrarian Law (UUPA), issued for land rights, management rights, waqf land, apartment ownership rights, and encumbrances, and recorded in the land registry. Within the framework of administrative law, certificates are included in State Administrative Decisions aimed at providing certainty and justice for citizens. The 1960 UUPA itself consolidates national land law, emphasises social functions (Article 6), restricts certain subjects (Articles 9, 21, 30, 36), and declares Ownership Rights to be the ‘strongest and most comprehensive’ rights, but not absolute, as they can be terminated—among other things—due to neglect (Article 27). At the level of evidence, PP 24/1997 Article 32 paragraph (1) refers to certificates as strong evidence of physical and juridical data as long as they are in accordance with measurement letters and land registers; paragraph (2) provides additional protection for bona fide certificate holders who actually control the land—other parties are required to submit objections/file lawsuits within five (5) years of the certificate's issuance.

In contemporary administrative practice, ATR/BPN Regulation No. 21/2020 stipulates that land administration products may be revoked if there are

administrative/legal defects or to implement a final and binding court decision. Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Regulation No. 18/2021 details the obligations of rights holders: maintaining boundaries, using the land in accordance with its designation and spatial plan, not neglecting it, providing access, etc.; while also placing the responsibility for the material accuracy of data/documents on the applicant. Consequently, violations, misinformation, or disputes may result in the cancellation of rights decisions. Thus, the legal certainty promised by certificates is conditional on the accuracy of physical and legal data and the compliance of rights holders—not absolute immunity.

From a theoretical perspective, legal certainty (*rechtszekerheid*) requires reliable data and proportional procedures; social justice/social function emphasises that the exercise of rights must not negate people's access to life; modern property theory views land rights as a 'bundle of rights' that carries social obligations; while administrative discretion allows for the correction of flawed decisions in order to uphold the rule of law. Empirical evidence and current policies in Indonesia show that the quality of boundaries and maps, juridical-spatial consistency, and the publication model (Indonesia adheres to positive-style negative publication) greatly determine the degree of certainty; thus, a strong certificate is not synonymous with irrevocability if the formal-material requirements are not met (misdata, overlap, procedural defects) (Aditya et al., 2020; Aditya et al., 2021; Martono et al., 2021; de Vries & Rudiarto, 2023; Pinuji et al., 2023; Jahani Chehrehbargh et al., 2024).

The implications in concrete cases—such as Sukahaji (Bandung) that you highlighted—involve three test points: (i) the factual status of long-term community control versus the strength of certificate evidence; (ii) transparency of land data (history, boundaries, process documents); and (iii) the administrative role of ATR/BPN and the judiciary in formal-material verification. Article 32 paragraph (2) does protect certificate holders of good faith who have actual control, but corrective measures remain open if there is evidence of issuance defects, overlaps, or data inaccuracies. These corrective measures are complementary: administrative cancellation by ATR/BPN (Permen 21/2020) and adjudication (civil/TUN). Policy literature emphasises that without material validation and data transparency, disputes easily shift from 'who registered first' to 'whether the registration data is reliable' (McCarthy et al., 2022; Meckelburg & Wardana, 2024).

From a comparative perspective, a number of studies recommend strengthening the 'positive' elements of the publication regime—for example, state guarantees/compensation in the event of cancellation—as well as adopting title validation and collaborative mapping to close misdata gaps and improve spatial accuracy (Aditya et al., 2021). Reform of the Land Administration System (LAS) supported by digital governance (process auditability, document traceability, public access) and the Responsible Land Management (8R) framework helps balance formal certainty with substantive justice, particularly in areas with high levels of

dispute (de Vries & Rudiarto, 2023; Jahani Chehrehbargh et al., 2024; Pinuji et al., 2023).

Normatively, the conclusions in this sub-section are: (i) certificates are strong evidence, not absolute evidence; (ii) the 5-year protection in Article 32 paragraph (2) does not make certificates absolute when there is evidence of flaws in the process/content; (iii) the ‘strongest and most complete’ status of Ownership Rights does not negate the social function and sanctions for neglect; and (iv) the most operational improvement agenda is title validation & collaborative mapping, modernisation of LAS, and strengthening of positive elements (guarantees/compensation) so that formal certainty runs in harmony with substantive justice (Aditya et al., 2021; de Vries & Rudiarto, 2023; Meckelburg & Wardana, 2024).

**Table 1. Summary of the Relationship between
Rules–Actors–Risks–Improvements**

Dimensi on	Rules/Theo ry	Key Actors	Practical Risks	Recommended Improvements
Legal certainty	Government Regulation No. 24/1997 Article 32	Certificate holders; Land Office	Perception of ‘5 - y e a r immunity’; disregard for material data	<i>Title validation, access to objections, publication of boundaries (Aditya et al., 2021)</i>
Social function	UUPA (Articles 6, 27)	Rights holders; community	Neglect; exclusion of access	Supervision of use; sanctions for neglect
Adminis trative discretio n	Regulation 21/2020	ATR/BPN	Certificates with defects remain in circulation	Transparent cancellation procedures + integration of decisions
Moderni sation of LAS	IT4D; 8R	ATR/BPN; public	<i>Data opacity, information asymmetry</i>	<i>Traceability, participation, quality audit (Jahani Chehrehbargh et al., 2024; de Vries & Rudiarto, 2023)</i>

The Impact of Rights Holders' Neglect on Land Rights

Many rights holders in Indonesia often believe that certificates—as a product

of land administration—provide absolute legal certainty over land ownership. This mindset encourages the practice of land neglect: rights holders obtain certificates but do not use, utilise, and/or maintain the land in accordance with the purpose of the rights granted. Government Regulation No. 20 of 2021 defines abandoned land as land/rights that are *intentionally* not planted, not used, not utilised, and/or not maintained (Article 1 point 2). Normatively, the construction of the Basic Agrarian Law places social function as a key principle—every piece of land must contribute to welfare (e.g. housing, business, food), in line with the mandate of Article 33 paragraph (3) of the 1945 Constitution. Thus, land abandonment is not merely a private negligence, but a violation of the social purpose of land rights (Indonesia, 1960; Indonesia, 2021).

From a legal theory perspective, there are three lenses that clarify the relationship between ownership, neglect, and state control. First, legal certainty (*rechtszekerheid*) requires reliable data and compliance by rights holders with the material conditions of use/exploitation; certificates are strong but conditional evidence, not immune to correction if data or post-grant behaviour deviates (Aditya et al., 2021; Martono et al., 2021; Jahani Chehrehbargh et al., 2024). Second, social justice/social function asserts that property rights remain non-absolute—even if they are “strongest and most complete”, they are limited to ensure public access and benefit (Indonesia, 1960; Pinuji et al., 2023). Third, the theory of property as a ‘bundle of rights’ views ownership as a set of powers that can be limited by social obligations and spatial regulations; administrative discretion allows the state to cancel/withdraw rights that do not meet the requirements for the sake of the rule of law (de Vries & Rudiarto, 2023; Wibowo & Sitorus, 2023).

Doctrinally, the UUPA opens up the possibility of termination of rights due to neglect (e.g. Article 27 for Ownership Rights). The current policy path through Government Regulation No. 20 of 2021 (control of abandoned areas and land) and its implementing regulations govern: identification of objects, issuance of warnings, provisional determination, determination as abandoned land, revocation of rights, and direct control by the state (Indonesia, 2021). This regime does not negate legal certainty; rather, it adds safeguards so that certainty does not sacrifice social function. Within the administrative framework, ATR/BPN Regulation No. 18 of 2021 places the responsibility for the material truth of data/documents on the applicant; violations or misinformation can result in cancellation. Permen ATR/BPN No. 21 of 2020 provides a channel for administrative cancellation due to administrative/juridical defects or to implement a court decision that has permanent legal force. Thus, the certainty provided by the certificate rests on post-grant compliance (Hidayat et al., 2023; Indonesia, 2020; Indonesia, 2021).

Objects that can be designated as abandoned land—based on the UUPA and PP 20/2021—include Freehold Title, Right to Build (HGB), Right to Cultivate (HGU), and Right of Use, including Right of Management (HPL) with certain

exceptions (HPL of indigenous peoples and Land Bank assets) (Indonesia, 2021; Roestamy et al., 2022). In particular, HGB/HGU/HPL are fixed-term rights with specific purposes—they originate from land that was originally directly controlled by the state, so that *ex ante* the holders already know the obligations of use/exploitation and the risk of revocation if they neglect the land (Meckelburg & Vel, 2024; Kurniawan et al., 2024). In the case of Freehold Rights, although they are not fixed-term, social function standards still apply; PP 20/2021 Article 7 paragraph (2) even details indicators of neglect (e.g. controlled by the community as a settlement; controlled by another party for 20 years without a legal relationship; social function not fulfilled). This means that the status of ‘strongest and most complete’ does not exempt rights holders from the obligation to use/maintain the land.

In practice, land abandonment causes disputes and overlaps: old plots that have not been digitised/validated are vulnerable to being ‘overtaken’ by new applications, triggering conflicts between formal evidence (certificates) and factual control (Aditya et al., 2020; Aditya et al., 2021). In urban/plantation cases, abandonment opens up space for long-term community control, strengthens social interest claims, and encourages material testing of certificates (McCarthy et al., 2022; Putra et al., 2024). This situation emphasises the importance of title validation and collaborative mapping to elevate field facts into official data (Martono et al., 2021; Aditya et al., 2021).

From a policy perspective, improvement measures include: (i) strengthening the ‘positive’ elements of the publication model (guarantees/compensation when cancellations occur) so that trust in certificates remains high while upholding social functions (Wibowo & Sitorus, 2023); (ii) modernising LAS based on digital governance—traceability, process audits, public access, and dispute resolution performance indicators (Jahani Chehrehbargh et al., 2024); (iii) implementing Responsible Land Management (8R) to balance formal certainty and substantive justice in areas with high dispute rates (de Vries & Rudiarto, 2023; Pinuji et al., 2023); and (iv) ensuring spatial planning coherence—*ex ante* rights holders must have a utilisation plan that is in line with the RTRW/RDTR and technical documents (Hidayat et al., 2023).

Interim conclusions in this section: (1) abandonment is a violation of social function which—through the mechanism of PP 20/2021—can result in the designation of land as abandoned and the revocation of rights; (2) certificates provide conditional certainty, not immunity—certainty is inherent if right holders fulfil their obligations of use/utilisation and maintain material truth; (3) for fixed-term rights (HGB/HGU/HPL), the threshold for use/utilisation obligations is clearer, so enforcement against neglect is more decisive; (4) to prevent escalation of disputes, the state and rights holders need to reduce information asymmetry through juridical-spatial validation, collaborative mapping, and data transparency; (5) theoretically,

legal certainty must be interpreted in harmony with social justice and the bundle of rights—both of which justify the state's administrative discretion to correct neglected rights.

Legal Status of Land Rights Occupied by Communities for Decades

Land is a limited resource of high value, while demand for it continues to increase. In this context, neglect by rights holders triggers a new dynamic: plots of land are left unused, then occupied/controlled by communities for years or even decades. This phenomenon gives rise to a 'two-sided' problem. On the one hand, occupation restores the social function of land (settlement/livelihood). On the other hand, such control is often without formal legal basis and conflicts with registered rights. The Indonesian legal framework places social function as a normative principle (1960 Agrarian Law Article 6) , while PP No. 20 of 2021 defines abandoned land as land rights/HPL/land that is deliberately not planted, not used, not utilised, and/or not maintained (Article 1 point 2). In principle, abandonment justifies state intervention—ranging from warnings to revocation of rights—to ensure that land contributes to public prosperity (Indonesia, 1960; Indonesia, 2021).

Theoretically, legal certainty (*rechtszekerheid*) requires reliable data and compliance by rights holders with the conditions of use/exploitation; certificates are strong but conditional evidence, not absolute immunity from correction when formal-material conditions are not met (Martono et al., 2021; Aditya et al., 2021; Jahani Chehrehbargh et al., 2024). The social function affirms that the 'strongest and most complete' property rights are not absolute; rights always come with the obligation to use and maintain them so that they benefit the owner—the community—the state (Indonesia, 1960; Pinuji et al., 2023). In modern property theory, land rights are understood as a 'bundle of rights' that can be limited by social and spatial obligations; administrative discretion allows the state to correct decisions/rights that are ignored in the interests of the rule of law (de Vries & Rudiarto, 2023; Wibowo & Sitorus, 2023).

Positive norms provide a path for correction. PP 20/2021 sets out a step-by-step mechanism: identification, inventory, recapitulation, warning, provisional and definitive determination as abandoned land, ending with the revocation of rights and control by the state (Indonesia, 2021). In land administration practice, Ministerial Regulation No. 18/2021 places the responsibility for the material accuracy of data/documents on the applicant; Ministerial Regulation No. 21/2020 opens up a channel for administrative cancellation due to administrative/legal defects or to implement a final and binding court decision. This means that the certainty promised by the certificate depends on the continued compliance of the rights holder, not merely on the initial issuance (Hidayat et al., 2023; Indonesia, 2020; Indonesia, 2021).

Empirically, neglect often leads to disputes and overlaps: old fields that have

not been digitised/verified are vulnerable to being ‘overtaken’ by new applications; at the same time, long-term community control strengthens social need claims and forces a material test of registration data (Aditya et al., 2020; Aditya et al., 2021). Policy studies show that without title validation and collaborative mapping, the certification regime is formally robust but materially fragile—triggering conflict when formal claims intersect with long-standing factual control (McCarthy et al., 2022; Meckelburg & Vel, 2024; Putra et al., 2024).

Sukahaji, Bandung is often cited as an example of prolonged community occupation of neglected land. For years, residents have occupied and utilised the land, while others have claimed certificates and sought to regain control. The legal issues at stake are: (i) the factual status of long-term possession versus the strength of certificate evidence; (ii) transparency of land data (history, boundaries, processes); and (iii) the administrative role of ATR/BPN and the judiciary in examining formal and material requirements. This framework requires a cumulative evaluation of documents (certificates/land registers) and facts on the ground (duration, intensity, good faith, utilisation in accordance with designation) before the state decides on the final status: administrative rectification, cancellation, or revocation through the abandoned land scheme (Indonesia, 2021; Hidayat et al., 2023; Aditya et al., 2021).

To balance formal certainty and substantive justice, the assessment of the legal status of land that has been occupied by the community for a long time can follow the following four tests, which integrate positive norms, theory, and policy learning:

1. **Formal-Material Compliance Test:** whether the requirements for granting/renewing rights are met, physical-legal data is valid, boundaries are verified, and there are no procedural flaws (Martono et al., 2021; Aditya et al., 2021; Jahani Chehrehbargh et al., 2024) .
2. **Social Function Test:** whether rights holders use/maintain the land according to its designation; if neglected and meets the indicators of abandoned land, implement the procedures of PP 20/2021 (Indonesia, 1960; Indonesia, 2021).
3. **Proportionality–Equity Test:** balance registered rights with the social interests of long-term tenure—especially for basic needs (settlement/livelihood)— while upholding formal rules (McCarthy et al., 2022; de Vries & Rudiarto, 2023; Pinuji et al., 2023).
4. **Administrative Governance Test:** ensuring data transparency, participation, and audit trails; if corrections are needed, use administrative revocation or judicial referral; going forward, establish guarantees/compensation to maintain public trust (Wibowo & Sitorus, 2023; Hidayat et al., 2023).

With this framework, decades of occupation do not automatically extinguish registered rights, but neither are they a reason to ignore social functions. The key is in the evidence: if neglect is proven and the procedures of PP 20/2021 are fulfilled,

revocation or redistribution (through the Land Bank/other policies) becomes legitimate; conversely, if the rights holder can demonstrate compliance with social functions and material validity, restoration of control can be justified accompanied by social mitigation solutions.

4. Conclusion

This study confirms that land title certificates are strong evidence but not an absolute guarantee; their validity depends on the accuracy of physical-legal data and the rights holder's compliance with the social function of land. Neglect—i.e., land that is not used, utilised, and/or maintained—is a violation of social function that normatively opens up the possibility of declaring the land abandoned and revoking rights through applicable administrative procedures. Long-term occupation by communities often arises as a practical consequence of abandonment; its resolution requires a balanced normative-factual assessment between formal certainty and substantive justice, without negating the legal obligations of rights holders.

The legal implication is that for rights holders, the certainty attached to certificates is conditional: they are obliged to use, utilise, and maintain their land boundaries; negligence increases the risk of disputes, administrative cancellation, or revocation. For the state/land authorities, the enforcement of social functions needs to be supported by transparent, measurable, and accountable governance — including monitoring of neglect, orderly warning–determination procedures, and integration of court decisions—so that formal certainty is in line with the public interest. For the reform agenda, arrangements are needed to reduce the gap between administrative data and the reality of land tenure through procedural improvements, data quality enhancements, and predictable and standardised corrective mechanisms.

In practical terms, strengthening the prevention of neglect can be done through mandatory operational utilisation plans when granting/extending rights, periodic reminders, and risk-based inspections in areas prone to neglect. Administrative enforcement is refined with national standards for the identification, warning and determination of abandoned land, as well as a performance dashboard (time, results, follow-up) to ensure consistency between regions. The quality of land data is improved through boundary validation and the linking of key documents so that formal and material accuracy can be quickly tested in the event of objections or disputes; at the same time, public education and literacy on the social function of land needs to be intensified for rights holders, business actors, and local governments. In the future, research can be directed towards empirical evaluation of the effectiveness of abandoned land procedures, comparative studies of guarantee/compensation designs when cancelling rights, and the development of collaborative state-community models for the reuse of abandoned land. Thus, legal

certainty in the land sector is only meaningful if it goes hand in hand with the social obligations of rights holders and responsive state governance—directing each plot of land back to its main purpose: the greatest prosperity of the people.

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