

Settlement Of Disputes Over Multiple Land Certificates Related To Ownership Of Land Rights (Study At The Medan City Land Office)

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Abstract: Land issues have long been a complex legal issue and have broad dimensions in both developed and developing countries, so they are not easy to resolve quickly. The aim of implementing land registration is to provide a guarantee of legal certainty in legal protection, but in reality land title certificate holders do not feel safe or certain of their rights because many disputes often arise which cancel the certificate through judicial institutions. The legal research method is a scientific activity based on certain methods, systematics and thinking, which aims to study one or several particular legal phenomena by analyzing them, then also conducting an in-depth examination of the legal facts to then try to find a solution to the problem. -problems that arise in the symptoms concerned. This research is descriptive analysis, namely research aims to describe in detail, systematically and comprehensively everything related to this research problem. Overlapping ownership or the term used by the author in this research is double certificate, giving rise to legal uncertainty or the absence of legal protection for the owners of the land concerned. So land disputes are inevitable. The legal consequences of having 2 (two) land books/certificates on the same land object will result in overlapping land control and each party will claim ownership of the land. The physical holder of a land object cannot sell the land or operate the land optimally because of the existence of a land book/other certificate on the land object, giving rise to legal uncertainty.

Keywords: Disputes, Land Certificates, Doubles.

INTRODUCTION

Land has an important role and meaning for humans and the state. Where land is only seen from the physical aspect alone but also the social, cultural, political and legal aspects, both defense, security and aspects of land ownership rights. Which as a source of income and livelihood to carry out activities in building civilization at an increasing economic value and strategic value, thus making land vulnerable in disputes and conflicts that can involve various parties. Therefore, it is due to a wise and moral nature that can manage land issues, so that they are in line with what is mandated in the constitution or laws and regulations regarding the benefits of the functions of the earth, water and space and the natural resources contained in utilizing them for the prosperity of each community.

Land issues have always been a complex legal issue and have broad dimensions in both developed and developing countries, so it is not easy to resolve quickly. The purpose of the implementation of land registration is to provide a guarantee of legal certainty in legal protection, but the reality is that holders of land rights certificates do not feel secure or certain

of their rights because there are often many disputes that cancel certificates through judicial institutions. Where land rights certificates, in other words it can be said that there is more than one certificate of land rights on a piece of land while the land registry itself is held by the BPN. This is not only troubling to the public but also greatly affects the performance of the BPN as an institution whose main task is to carry out land administration.

Land in dispute cannot be managed by either the certificate holder or any other party. Economically, this can also be detrimental to other parties. Economically, of course, it is very detrimental, because the land controlled by the other party is no longer productive. The land cannot be used to produce goods and services or as collateral in a bank. The cases of certificates held by other parties, which are still within their rights to manage and which are not dealt with seriously, will disrupt the stability of the economy.

The General Elucidation of Law Number 5/1960 on Basic Agrarian Principles conveys that there are 3 (three) main objectives of the UUPA, namely: National agrarian law is formulated to provide prosperity, happiness and justice for the state and society, especially the peasantry, in order to improve a just and prosperous society, and national agrarian law is a tool to provide unity and simplicity of land law in Indonesia, and finally Indonesian agrarian law is made to be able to provide legal certainty regarding land rights for the people as a whole. Land rights in Indonesia for the Indonesian people are very important, the legal certainty referred to in this national agrarian law is the certainty of ownership of land rights so that people feel safe without fear of disputes due to other parties claiming rights to the land because the land rights already have legal certainty.

However, based on the facts that already exist in the community, land rights certificates are still not fully able to provide legal certainty and legal protection to land rights owners. Land rights certificates still face the possibility of a lawsuit from another party who also feels he owns the land rights, so that if it can be proven legally that he is the real owner, the land rights certificate can be canceled.

One example of the existence of multiple certificates also occurred in the Medan City area where there are 2 (two) certificates in one parcel of land, namely Certificate of Title No. 672/Helvetia Timur dated August 01, 1998 registered in the name of Firman Fantas Asalan Siregar and Certificate of Title No. 1172/Helvetia Timur dated April 19, 2000 registered in the name of Damaris Sinta Taruli Br. Hutabarat. In this case, Firman Fantas Asalan Siregar obtained the land based on the relinquishment of rights by Salim Lumbanbatu and Firman Fantas Asalan Siregar based on the title of Land Certificate (SKT) known by the Sub-District Head of Medan Sunggal Sub-District, Medan City No. 185/AKT/MS/1975 dated December 12, 1975 and Certificate No. 413/SKT/XI/M/1985 issued by the Head of Helvetia Sub-District,

Medan Sunggal District regarding the boundaries of land tenure and a Certificate of Freedom from Cross Disputes dated November 14, 1985.

Based on the above certificates the Plaintiff Firman Fantas Asalan Siregar in 1998 applied for Title Certificate Number 672 over the land object in question to the Defendant in this case the Medan City Land Office). Whereas Damaris Sinta Taruli Br. Hutabarat obtained the land based on the title granted by the Head of the Representative of the Department of Education and Culture of North Sumatra Province to her husband Salim Lumbanbatu (deceased) based on Deed of Indemnity No. 144/1973 dated May 26, 1973 witnessed by the Head of Helvetia Village, Sunggal Sub-district attached with a Situation Drawing of land division copied according to the original dated June 20, 1974.

LITERATURE REVIEW

Sertipikat according to Article 1 point 20 of Government Regulation No. 24 of 1997 concerning Land Registration (PP Land Registration) is a letter of evidence of rights as referred to in Article 19 paragraph (2) letter c of Law Number 5 of 1960 concerning Agrarian Principles (UUPA) for land rights, management rights, waqf land, ownership rights to apartment units and mortgage rights, each of which has been recorded in the relevant land book.

Ownership is ownership that is civil in nature, in this case land ownership is a legal relationship between individuals, groups of people or certain legal entities with certain land as referred to in Law Number 5 of 1960 concerning Basic Agrarian Regulations.

Multiple certificates mean that a parcel of land has more than one certificate, with the result that legal uncertainty for holders of land rights is highly undesirable in land registration in Indonesia. Overlapping is where two or more certificates are located on one piece of land, because part or all of the land is included in another certificate.

Legal certainty is a guarantee that the law is carried out, that those entitled under the law can obtain their rights and that decisions can be implemented. Although legal certainty is closely related to justice, law is not identical to justice. Law is general, binds everyone, is equalizing, while justice is subjective, individualistic, and does not equalize. And based on Lon Fuller's opinion above, it can be said that there must be certainty between regulations and their implementation, thus entering the realm of action, behavior, and factors that influence how positive law is carried out.

The theory of certainty can contain several meanings, namely clarity, does not cause multiple interpretations, does not cause contradictions, and can be implemented. The law must apply firmly in society, containing openness so that anyone can understand the meaning of a legal provision. One law with another should not be contradictory so that it does not become a

source of doubt. Legal certainty becomes a legal device of a country that contains clarity, does not cause multiple interpretations, does not cause contradictions, and can be implemented, which is able to guarantee the rights and obligations of every citizen in accordance with the existing community culture.

RESEARCH METHODS

The legal research method is a scientific activity based on certain methods, systematics, and thoughts, which aims to study one or several certain legal symptoms by analyzing them, so an in-depth examination of the legal facts is also carried out to then try to find a solution to the problems that arise in the symptoms concerned. For this reason, research is carried out which includes methods in research. Research methods are needed to find out how to obtain data and information from an object under study. The method is defined as the logic of scientific research, the study of research procedures and techniques. Research is a series of scientific activities and therefore uses scientific methods to explore and solve problems, or to solve a truth from existing facts.

The research method is carried out in order to be able to provide maximum results and in order to achieve this research, good and proper data collection is sought, which is carried out in the form of research specifications used in this journal research, namely normative legal science or normative juridical. Normative science is a research that can be done by examining library materials such as books, laws and other discussions related to the discussion in this journal. By approaching the problem by examining the applicable legislation on the issue of issuance of multiple certificates of land ownership rights in Medan City.

This research is descriptive analysis, descriptive analysis is research that aims to describe in detail, systematically and thoroughly about everything related to this research problem and also juridically empirical, namely research directly from the community based on legal facts that occur or examine primary data. Descriptive analysis is also defined as a method that serves to describe or provide an overview of an object under study through data or samples that have been collected as is without conducting analysis to make conclusions that apply to the public.

Data collection is a way to collect data for research in legal research. The data collection technique in this journal is Library Research. Library studies are carried out through sources of secondary data, namely data that includes official documents, books, legal dictionaries which are the results of research, legal journals, and comments on court decisions. Researchers use secondary data consisting of:

A. Primary Legal Materials are:

1. Policy Rules
 - a. Body Trunk of the 1945 Constitution;
2. Legal material from the colonial era that is still in force, the Civil Code (*Burgerlijk Wetboek*);
3. Equivalent laws and regulations
 - a. Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA);
 - b. Law Number 30 of 2014 concerning Government Administration;
4. Government Regulations and equivalent regulations
 - a. Government Regulation Number 24 of 1997 concerning Land Registration;
5. Minister's decision and equivalent rules
 - a. Regulation of the Minister of Agrarian State/Head of BPN Number 16 of 2021 concerning the Third Amendment to the Regulation of the Minister of Agrarian State/Head of BPN Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration;
 - b. Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of BPN Number 21 of 2020 concerning the Handling and Settlement of Land Cases;

B. Secondary Legal Materials are:

1. Journal of Settlement of Multiple Certificates by the National Land Agency, Journal of Lex et Societatis, Volume 1, number 5;
2. Multiple Land Certificates Due to Weak Land Data Base, Scientific Journal of Aerospace Law, Faculty of Suryadarma University, Volume 4, Number 2;
3. Whose Responsibility, When There is a Double Certificate on a Plot of Land, Samudra Keadilan Law Journal. Volume 12;
4. Dispute Resolution of Dual Certified Land Ownership, Faculty of Law, National Development University "Veteran" Jakarta, Juridical Journal Vol.6 Number 1;
5. Legal Protection for Buyers of Dual Certified Land in Good Faith for the Sake of Legal Certainty, Faculty of Law, Universitas Brawijaya, Yustisia volume 5, Number 2.

C. Tertiary Legal Materials, namely legal materials to explain or provide explanations for primary and secondary legal materials in the form of the General Indonesian Dictionary and Legal Dictionary, as well as other Dictionaries. Books on land rights, literature that is in accordance with the problem being studied..

RESULTS AND DISCUSSION

According to Article 1 point 20 of Government Regulation No. 24 of 1997 concerning Land Registration (PP Land Registration), a certificate of proof of rights as referred to in Article 19 paragraph (2) letter c of Law Number 5 of 1960 concerning Agrarian Principles (UUPA) for land rights, management rights, waqf land, ownership rights over apartment units and mortgage rights, each of which has been recorded in the relevant land book. The certificate is given to the holder of a land right to provide legal certainty and legal protection to the right holder. As evidence of land rights, the LoGA does not specify which land rights are registered as certificates.

Ownership is civil ownership, in this case land ownership is a legal relationship between individuals, groups of people or certain legal entities with certain land as referred to in Law Number 5 of 1960 concerning Basic Agrarian Regulations. Ownership and control over land is an important factor in terms of granting or legalizing land rights by the authorities to someone who factually / physically has controlled the land plot in good faith. Land from the aspect of control is divided into two types, including:

1. Land held under customary rights (adat law); and
2. Land held under other titles.

Ownership and/or control of land must be registered with the Land Office (BPN). Proof that the land has been registered is a land certificate, which also serves as proof of the holder's control/ownership of the land. This is regulated in Article 3 of Government Regulation No. 24 of 1997 concerning Land Registration, which explains the purpose and usefulness of land registration and one of its products called the Land Rights Certificate, namely "to provide legal certainty and legal protection to holders of rights to a parcel of land, apartment units and other registered rights so that they can easily prove themselves as holders of the rights concerned".

Government Regulation No. 24/1997 on Land Registration states that the certificate of evidence of registered land rights is called a sertipikat, which is a copy of the land book and measurement letter after being sewn together with a cover paper whose shape is determined by the Minister of Agrarian Affairs. The evidentiary character of the certificate as proof of title is set out in Article 32(1) and (2) of the Land Registration Regulation. The provisions of Article 32 are said to have weaknesses, namely that the state does not guarantee the correctness of the physical and juridical data presented and there is no guarantee for the owner of the certificate because in the future it can be sued by other parties who feel they have lost money as a result of the issuance of the certificate. In view of these weaknesses and in order to increase legal protection for the owner of the certificate, the Government has made provision in Article 32(2)

of the Land Registration Regulation, the purpose of which is to make the certificate an absolute proof that it must fulfill the following elements:

- a. The certificate is validly issued in the name of a person or legal entity;
- b. Land acquired in good faith;
- c. The land is under real control;
- d. Within five years of the issuance of the certificate, no one has filed an objection in writing with the certificate holder and the Head of the local District/Municipal Land Office, nor has a lawsuit been filed in court concerning land tenure or the issuance of the certificate.

The issuance of a certificate begins with the first registration of land, either sporadically or systematically. Land registration in Indonesia aims to ensure legal certainty by the government over land tenure throughout the Republic of Indonesia. Land registration needs to be carried out to provide legal certainty to people who control and own land in order to have the strength of rights before the law and the State. For example, if someone owns land but does not have a certificate, then the land cannot be recognized and it can only be stated that the land is his land and other people can claim it too. Hence the importance of land registration and the issuance of certificates on land owned so that a person has a basis for ownership of land rights.

One of the evidences of land rights is a certificate. A certificate is a strong and authentic piece of evidence. The strength of the certificate is a guarantee of legal certainty for the certificate holder as perfect evidence as long as no opposing party proves otherwise. A person or legal entity will easily prove itself as the holder of the right to a parcel of land as well as the state of the land, such as the area, boundaries, existing buildings, the type of rights and burdens that exist on the land rights, and so on.

The number of counterfeit certificates is quite large, creating vulnerability. Generally, forged certificates are made for vacant, high-value land using old blank certificates. Falsification of certificates occurs because they are not based on the correct basis of title, such as the issuance of certificates based on falsified certificates of ownership. Other forms include BPN seals and falsification of land data. This has caused many problems, so that sometimes there are certificates where the object listed on the certificate is not the one that should be but land owned by someone else for which an irresponsible person has made a letter or there is negligence in the issuance of the letter, then there is also evidence of the same ownership of two certificates with one object, often referred to as a double certificate.

Multiple certificates mean that a parcel of land has more than one certificate, which leads to legal uncertainty for holders of land rights and is not desirable in land registration in Indonesia. Multiple certificates are a common occurrence in Medan City, resulting in disputes between certificate holders who accuse each other of believing that what they own is true, even

though one of the certificates may be a forgery of the object indicated on the certificate. A certificate is issued by the District Land Office and the official who signs the certificate is:

- a. In systematic land registration, the Certificate is signed by the Chairman of the Adjudication Committee on behalf of the Head of the District/City Land Office.
- b. In individual sporadic land registration, the Certificate shall be signed by the Head of the District/City Land Office.
- c. In mass sporadic land registration, the Certificate shall be signed by the Head of the Land Registration Measurement Section on behalf of the Head of the District/Municipal Land Office.

The issuance of a certificate makes the holder of the land book the holder of the right based on the UUPA, but as stipulated in the Negative Publication System adopted by the UUPA contains positive elements, evidence in the form of a certificate or temporary certificate is stated as strong evidence, because it can be refuted if there is other evidence, then the party whose name is listed in the land book is considered the legitimate right holder according to the UUPA regulations, if a party appears who has a land book on the same object there are legal consequences. Legally, each party is a legitimate right holder, but who has the right to control it.

Then both parties must prove their respective ownership in accordance with the Negative Publicity System which contains positive elements. The rules of Article 1 point 7 of Law No. 30 of 2014 concerning Government Administration (Government Administration Law) explain that the certificate is a state administrative decision, the issuance of a certificate is a KTUN12, if it causes losses or there are parties who disagree with the KTUN, they can only file a lawsuit at the State Administrative Court in accordance with the regulations stipulated in the State Administrative Justice Law Legal Consequences of Double (Overlapping) Certificates. A land title certificate is a land book that is a proof of ownership of land and buildings, i.e. the owner of the land book can cultivate the land and buildings located on the land.

Land certificates themselves are issued by the National Land Agency (BPN), which goes through several procedures before issuing, issuing certificates and signing them by the BPN. Over time, several holders of land rights have been found on the same land object (overlapping), and the community as a land book holder faces the fear of having another land right on its land object. Overlapping is when two or more certificates are located on the same piece of land, because part or all of the land is included in another certificate; overlapping can be divided into part, all or none.

Multiple (Overlapping) certificates can cause land disputes according to what the author uses to analyze in research and several expert opinions, there are several factors that cause (Overlapping / overlapping), among others, as follows:

1. Some of the factors causing multiple certificates are the result of the absence of a valid database of land details at the BPN Office. Therefore, if the land is registered again, it is known that the land is already titled. Or the BPN's negligence in the implementation of the registration map bywerken. That is, each measurement of the land plot must be tied to the existing technical base point and the placement of the land plot drawing must be drawn in the right position on the land registration map. Often due to lack of thoroughness there is a wrong placement of images or forget not drawn on the Registration Map. (Syah, 2014)
2. Elza Syarief in her book entitled *Resolving Land Disputes* argues that, in general, land disputes arise due to the following factors: (Syarief, 2012)
 - a. Incomplete regulations
 - b. Discrepancies in regulations
 - c. Land officials who are less responsive to the needs and amount of land available
 - d. Inaccurate and incomplete data
 - e. Incorrect land data
 - f. Limited human resources in charge of resolving land disputes
 - g. Erroneous land transactions
 - h. Behavior of the applicant for the right.
3. Bernhard Limbong in his book, *Land Conflicts*, in land disputes there are two important things, namely land disputes in general and land disputes in particular, as contained in BPN RI Decree Number Bernhard Limbong in his book *Land Conflicts* in land disputes there are two important things, namely land disputes in general and land disputes in particular, as contained in BPN RI Decree Number 34 of 2007 concerning *Technical Guidelines for Handling and Settling Land Problems*, such as legal factors, among others: (Zaenuddin, 2017)
 - a) Inadequate regulations, regulations in the land sector have not fully referred to the basic values of Pancasila and the philosophy of Article 33 of the 1945 Constitution regarding morals, justice, human rights, and welfare. On the other hand, law enforcement often stops at the formal mechanism of the rule of law and ignores its substantial values. Overlapping courts, the State Administrative Court (PTUN), civil court, and criminal court, are the three courts that handle land disputes. Also, if a party wins in civil court, it does not necessarily win in criminal court. In addition, the resources of the agrarian apparatus are also things that trigger disputes.

- b) Settlement and convoluted bureaucracy Settlement of cases through litigation in Indonesia is tiring, costly and time consuming, especially when caught up with the judicial mafia, so justice is not in favor of the right. This is certainly no longer in accordance with the principles of our judiciary which is simple, fast and low cost, because the current condition in dealing with the court is not simple, the court bureaucracy is convoluted and long and the cost is quite expensive. Overlapping land use Rapid population growth has resulted in an increase in population, and the function of land has shifted from food production to housing. The government continues to prioritize development projects. Causing land to have different interests for the community. That is why the growth of land disputes continues to increase.
- c) The high economic value of land since the new order period is related to the politics of increasing economic growth carried out by the government by emphasizing development. The New Order government issued a policy in which land as part of agrarian resources was no longer a source of production or land was no longer for the prosperity of the people, but land as a development asset to pursue economic growth and the policy was very detrimental to the people. The function of land was put aside because everything was business-oriented. The policies of the new order government can lead to disputes over control of agrarian resources between landowners, in this case the people, and capital owners facilitated by the government.
- d) Increased public awareness Global development and increased development of science and technology have an effect on increased public awareness. The mindset of the community towards land tenure has also changed. Related to land as a development asset, namely land is not a source of production but the function of land as a means for investment or economic commodities.
- e) The provision of compensation in the procurement of land for development purposes is only given modestly and even handed over voluntarily and free of charge, and over time it changes with reference to the tax object selling value (NJOP). Time passes and the compensation requested by the community for their land is in accordance with market prices and sometimes even exceeds market prices or with other compensation in the form of settlements with the same or better facilities than their place of origin used by the government for development areas.
- f) Land remains, population increases Rapid population growth, both through births and migration and urbanization, while land area is relatively fixed, makes land an economic commodity of very high value, and causes every inch of land to be defended.

g) Poverty, poverty is a complex problem that is influenced by various related factors. In meeting their land needs, the poor face the problem of inequality in the structure of land tenure and ownership, as well as uncertainty in the control and ownership of agricultural land. Whereas the livelihoods of farming households are strongly influenced by their access to land and the ability of their family members to work on agricultural land.

The problem is exacerbated by the unequal structure of land tenure because most smallholders do not formally hold land as property, and even if they do, the protection of their land rights is not strong enough because the land is often not titled. Multiple certificates are the result of overlapping certificates of land rights, which is an administrative legal defect.

As stated in Article 35 of Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning Handling and Settlement of Land Cases, certificates/legal products that are said to have administrative defects are as follows:

- a. Errors in the process/procedure of issuing land rights, registering rights and maintaining land registration data;
- b. Errors in the measurement process/procedure;
- c. Errors in the process/procedure for issuing replacement certificates;
- d. Errors in the process/procedure for issuing the certificate of mortgage;
- e. Errors in the application of laws and regulations;
- f. Error in the subject of the right;
- g. Error in the object of the right;
- h. Error in the type of right;
- i. Overlapping land rights;
- j. Overlapping with forest area;
- k. Error in determination of land consolidation;
- l. Land reform object land affirmation error;
- m. Errors in the process of granting permits for transfer of rights;
- n. Errors in the process of issuing the decision letter of Cancellation;
- o. There is a criminal court decision with permanent legal force that proves the existence of criminal acts of forgery, fraud, embezzlement and/or other criminal acts;
- p. Documents or data used in the process of issuing the certificate are not the product of the agency concerned, based on a certificate from the agency concerned;
- q. There is a court decision which, in its legal reasoning, proves that there is a defect in the issuance of the Ministry's legal product and/or a defect in the legal act of transferring rights, but the decision does not expressly state this in its ruling.

Factors causing the existence of multiple (overlapping) certificates according to the Head of the Sub-Section for Handling Disputes, Conflicts and Land Cases of Medan City, namely:

- a. Wrong benchmark, in land measurement the land benchmark notified by the community or called the applicant is wrong and causes the position of the land measurement to be incorrect.
- b. Regional expansion, at the time of regional expansion in the authority to issue certificates in Medan City there was overlap in the issuance of certificates, namely between the Medan City BPN and other level II BPNs there was the same authority to issue certificates.
- c. Unscrupulous individuals, who cooperated with BPN officials in issuing certificates on land owned by others and caused a struggle over ownership of the land.

Following the above factors, it can be concluded that double certificates, as far as issuance is concerned, are both original, because both have copies/archives at the District Land Office. This is because a parcel of land that already has a certificate is re-registered at the Land Office. The authenticity of the certificate is called original because it is a product of the BPN and only the BPN has the right to issue it, but there are irregularities, namely that both certificates have the same location, location and area or there is an area that coincides. But in administrative law it is defective and has the right to be canceled.

Overlapping ownership, or the term used by the author in this research is multiple certificates, creates legal uncertainty or a lack of legal protection for the relevant landowner. So that land disputes are inevitable. The legal consequences of the existence of 2 (two) land books / certificates on the same land object, will lead to overlapping land tenure and each party will claim ownership of the land. The physical holder of the land object cannot sell the land or operate the land optimally due to the existence of another land book / certificate on the land object. On the one hand, the owner of the land book only has a land book that proves ownership without being able to control the land object.

The existence of multiple certificates creates legal uncertainty, because the purpose of land registration is to obtain a land book (certificate) as a means of proof. The emergence of multiple certificates has created legal uncertainty, which is not in accordance with the objectives of land registration; the issuance of multiple certificates is said not to provide legal certainty because multiple certificates cannot be definitive evidence because both certificates are legally valid until a court decision declares one of the certificates invalid. The existence of two certificates for a parcel of land or an overlapping parcel of land means that it is possible that both certificates are equally legally valid. Multiple certificates can lead to public distrust of certificates and the performance of the BPN.

Because land rights certificates are supposed to be strong evidence, how can they be called strong evidence if the owner of the certificate cannot control and manage the object of his land, causing losses to the certificate holder. Losses that can be interpreted in this case are land rights holders who have tried to get the status of ownership will sue the owner of another land right on the same land object, but the trial causes the parties to lose a long time, the cost of conducting the trial, as well as the losing party must accept the cancellation of the certificate, and the cost of land registration that has been issued especially large land requires a lot of money or the losing party has a business on the land object of the dispute that causes loss of ownership and livelihoods. Landowners who try to sell their land cannot do so because of overlapping ownership, which has resulted in buyers being unsure of the strength of the certificate. So that the owner of the certificate feels disadvantaged because he cannot transfer the status of the land, while still being guided by the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 21 of 2020 in canceling the certificate.

CONCLUSIONS AND SUGGESTIONS

The legal consequences of overlapping are causing losses to legitimate land rights holders, land rights holders must experience difficulties in proving their land ownership, and cannot be transferred either through legal actions (such as buying and selling or charging mortgages / credit), or by law (such as inheritance) the owner of the land object proves land ownership and must run the length of the trial so that it takes a lot of time and money. And not in accordance with the purpose of land registration Article 3 of Government Regulation No. 24 of 1997, which is not to provide legal certainty and legal protection, which is the basis of land registration rules, other legal consequences of the community become less trust in government agencies, namely the National Land Agency (BPN) as an authorized official in issuing certificates.

The government should improve oversight of the land registration system in Indonesia, by issuing new regulations governing the Indonesian land system. That is, to provide legal protection for certificate holders or, more precisely, to revise the Basic Agrarian Law, precisely to make regulations that deal with multiple certificates in the form of imprisonment and fines that are heavier than the current law. As well as the government should oversee the duties and authority of the BPN in each region through the Ministry of Agrarian Affairs and Spatial Planning and from the BPN should be able to serve the public or applicants well and in accordance with the duties and functions that apply, whether it is a request to attend the trial or in the process of cancellation and registration of certificates BPN should help the community

sincerely and selflessly because the duties and authority of government officials to serve the interests of the community. In fact, in order to obtain legal certainty regarding land rights certificates, one of the holders of the certificates filed a lawsuit with the state administrative court, which is considered to have the competence to provide legal certainty to the right holder and cancel one of the certificates so that only one certificate is valid.

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