

Land Ownership without Legal Certainty: Problems of Unregistered Land Rights

Marselina Ivony Mofu¹, Fitri Arianti²

¹Universitas Cenderawasih, Indonesia

²Universitas Sriwijaya, Indonesia

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Corresponding Author:

Author Name*: Marselina

Ivony Mofu

E-mail*:

mfmarselina03@gmail.com



Abstract: *Land, as a source of life and an instrument of social justice, holds a fundamental position in the Indonesian legal system. Although land registration is regulated by the Basic Agrarian Law (UUPA) and Government Regulation No. 24 of 1997, practice shows that many land rights remain unregistered, giving rise to legal certainty issues. This article aims to analyze the legal status of unregistered land within the national land system and formulate a reconstruction of legal protection to address the existing normative ambiguity. This study uses a normative legal research method with a statutory, conceptual, and case-based approach, analyzed qualitatively and prescriptively. The results indicate that the ambiguity of norms regarding the legal consequences of unregistered land and the status of non-certificate evidence has weakened the function of registration as an instrument of legal certainty. A negative publication system with a positive tendency results in certificates only having strong but not absolute evidentiary force, while unregistered land is vulnerable to disputes. Normative reconstruction is needed through affirming the deadline and legal consequences of registration, strengthening the principle of good faith, harmonizing with civil evidence law, and strengthening the publication system through digitization and integration of land data. This reformulation has implications for preventing agrarian conflicts, increasing state legitimacy, and realizing just legal certainty.*

Keywords: *Land, Legal Certainty, Land Registration.*

INTRODUCTION

Land in the Indonesian legal system is not simply a material object, but an entity with constitutional, social, and moral dimensions. Article 33 paragraph (3) of the 1945 Constitution places state control over land, water, and natural resources as a mandate to achieve the people's prosperity. This norm implies that land must be managed within a framework of social justice, not merely as an

instrument of the market economy.¹ From the perspective of social justice theory, land is a means of distributing welfare and social stability.² When land ownership lacks legal certainty, this constitutional mandate is distorted. Legal uncertainty over land has the potential to create inequality, conflict, and marginalization of vulnerable groups.

Philosophically, national land law is built on the principles of nationality, the social

¹ Nytotama, D. A. (2025). Hak Allah dan Hak Hamba dalam Pemikiran Madzhab Hanafi sebagai Basis Rekonstruksi Supremasi Negara atas Sumber Daya Alam (Pasal 33 Ayat (3) UUD 1945 dan Fatwa MUI No. 86 Tahun 2023). *Jurnal Pemuliaan Lingkungan Hidup dan Sumber Daya Alam*, 2(02).

<https://jurnal.mui.or.id/index.php/lplhsda/article/view/5>

² Nusantara, R. H. G., & Harahap, N. T. H. (2025). Filsafat Hukum Dan Keadilan Sosial: Analisis Teoritis Tentang Peran Hukum Dalam Mewujudkan Kesejahteraan Masyarakat. *Nusantara: Jurnal Pendidikan, Seni, Sains dan Sosial Humaniora*, 3(01). <http://journal.forikami.com/index.php/nusantara/article/view/929>

function of land rights, and legal certainty, as reflected in the 1960 UUPA. UUPA was born as a correction to the dualism of colonial agrarian law and aimed to establish a unifying land law system. The concept of social function emphasizes that land rights are not absolute but must take into account the interests of the wider community.³ However, this social function cannot function without a foundation of legal certainty. In a state governed by the rule of law (rechtstaat), legal certainty is a minimum requirement for rights to be protected and enforced. Without legal certainty, land rights lose their operational validity as legally defensible rights.

Gustav Radbruch places legal certainty as one of the basic values of law besides justice and utility.⁴ Legal certainty requires clear, consistent, and predictable norms. In land law, legal certainty is achieved through a land registration system, as mandated by Article 19 of the UUPA. This provision mandates the government to implement land registration to ensure legal certainty of land rights. Its technical implementation is regulated in Government Regulation No. 24 of 1997 concerning Land Registration, which emphasizes that certificates are strong evidence.⁵ Normatively, the system design has been formulated to provide legal guarantees and protection of rights.

However, empirical reality shows that this legal certainty has not yet been fully realized. As of January 2025, approximately 120.9 million plots of land had been registered, but approximately 5.1 million plots remained unregistered, or approximately 4.1 percent of the total national target.⁶ Furthermore, approximately 30.7 million plots of land have been registered but not yet certified. This fact indicates that asset legalization has not yet reached its optimal point. This situation is further complicated by data showing that approximately 92.12 percent of the 17,343 small islands remain uncertified, and approximately 70 percent of customary or communal land remains unregistered.⁷ The data confirms the existence of a gap between legal norms and social reality.

The high number of unregistered land plots reflects structural issues in land administration. While the Complete Systematic Land Registration Program (PTSL) demonstrates the state's commitment to accelerating certification, administrative acceleration has not fully addressed the root of the problem. From Soerjono Soekanto's theory of legal effectiveness, legal success is determined not only by norms but also by structures, law enforcement officials, and the legal culture of society.⁸ Geographical barriers, limited resources, low legal literacy, and the

³ FERNANDES, D. V., SUYATNO, S., & MIARSA, F. R. D. (2022). Analisis Yuridis Kedudukan Fungsi Sosial Hak Atas Tanah Bagi Pekarangan Yang Tertutup. *Jurnal Reformasi Hukum: Cogito Ergo Sum*, 5(1), 9-17. <https://doi.org/10.51804/jrhces.v5i1.1913>

⁴ Firdaus, M. B. (2025). Dialektika Keadilan, Kepastian, Kemanfaatan Hukum dalam Perspektif Gustav Radbruch pada Hukum Indonesia. *Jurnal Kajian Hukum Dan Kebijakan Publik* | E-ISSN: 3031-8882, 3(1), 357-367. <https://doi.org/10.62379/qy4b6z80>

⁵ Murni, C. S., & Sulaiman, S. (2022). Sertifikat Hak Milik Atas Tanah Merupakan Tanda Bukti Hak Kepemilikan Tanah. *Lex Librum*, 8(2), 183-198. <https://doi.org/10.46839/ljih.v8i2.370>

⁶ Info Publik, "ATR/BPN Catat 95,9 Persen Tanah Terdaftar lewat PTSL, Target Tuntaskan 5,1 Juta Bidang di 2025"

<https://infopublik.id/kategori/nasional-ekonomi-bisnis/897147/atrbpn-catat-95-9-persen-tanah-terdaftar-lewat-ptsl-target-tuntaskan-5-1-juta-bidang-di-2025#:~:text=Secara%20nasional%2C%20pencapaian%20pendaftaran%20tanah,tanah%20atas%20halk%20dirinya%20sendiri.>

⁷ Tempo, "Menteri ATR Nusron Wahid Bilang 92,12 Persen Pulau Kecil Belum Bersertifikat" <https://www.tempo.co/politik/menteri-atr-nusron-wahid-bilang-92-12-persen-pulau-kecil-belum-bersertifikat-1865333>

⁸ Jaya, I. (2025). Penegakan Hukum Terhadap Tindak Pidana Pemaksaan Perkawinan Perspektif Sosiologi Hukum. *Legal Advice Journal Of Law*, 2(4), 1-17. <https://doi.org/10.51454/4nsr8g76>

complexity of customary land are factors that influence the implementation of land registration. As a result, a number of communities remain legally vulnerable.

Unregistered land carries serious legal consequences for rights holders. A certificate, as strong evidence, provides protection in transactions, financing, and court proceedings. Without a certificate, people rely solely on girik (land title deeds), letter C (letter C), or proof of tax payments, which are not legally valid proof of title.⁹ From the perspective of the law of evidence, the position of this evidence is weak and is very dependent on the judge's assessment.¹⁰ This situation creates uncertainty in dispute resolution and opens the door to duplicate claims. Rights that are not formally documented are vulnerable to disputes and even seizure.

From an economic perspective, uncertified land lacks optimal leverage as an asset. Land without legal certainty is difficult to use as collateral in the banking system.¹¹ This hinders people's access to financing and narrows opportunities for improving welfare. In legal and development theory, asset legalization is seen as a crucial instrument for driving economic growth.¹² When millions of plots of land lack legal certainty, the national economic potential is not fully mobilized. Land loses its productive function as social and economic capital.

The problem becomes even more complex when examined from a legal perspective. The UUPA and PP 24 of 1997 do require land registration, but they do not explicitly regulate the legal consequences if land is not registered within a specified timeframe. These norms are administratively imperative, but they do not provide clear sanctions or protection limits for unregistered land. This ambiguity of the norm creates room for differing interpretations in judicial practice. Judges in some cases continue to recognize evidence of physical possession, or girik, as the basis for legal considerations. This inconsistency demonstrates the problem of vague norms in the land law system.

Indonesia's system of negative publicity with a positive bias further exacerbates this ambiguity. While certificates are considered strong evidence, they can still be challenged as long as stronger evidence is available. This concept is intended to maintain substantive justice, but in practice, it actually weakens legal certainty. When land remains unregistered, legal protection becomes increasingly unclear because there is no official database to serve as a primary reference.¹³ There are no clear normative boundaries regarding protection for landowners in good faith who have not registered their land. Consequently, the function of certification as an instrument of legal certainty is relative.

⁹ Ratrisnanti, L. (2025). Implikasi Yuridis Kepemilikan Letter C, Patuk D, Dan Landrente Pasca Berlakunya PP 18 2021. *Jaksa: Jurnal Kajian Ilmu Hukum dan Politik*, 3(1), 19-30. <https://doi.org/10.51903/jaksa.v3i1.2329>

¹⁰ Cristina, J., & Manalu, I. (2025). Analisis Peran Alat Bukti dan Keterangan Saksi dalam Menentukan Keputusan Pengadilan Pidana. *Jurnal Kajian Hukum Dan Kebijakan Publik* | E-ISSN: 3031-8882, 3(1), 245-263. <https://doi.org/10.62379/6vsnhe93>

¹¹ Yansen, A. (2025). Perlunya Sistem Administrasi Pertanahan Yang Andal Dan Transparan: Membangun Kepastian Hukum, Penyelesaian Sengketa Yang Adil, Dan Mendukung Investasi Serta Akses Usaha. *JEBIMAN: Jurnal Ekonomi, Bisnis, Manajemen dan Akuntansi*, 3(6),

465-474.

<https://sociohum.net/index.php/JEBIMAN/article/view/312>

¹² Sihaloho, A. A. Y. (2025). Sertifikasi Tanah Sebagai Instrumen Perlindungan Hukum Dan Jaminan Investasi Untuk Mendukung Kegiatan Ekonomi Penggunaan Aset Tanah. *JEBIMAN: Jurnal Ekonomi, Bisnis, Manajemen dan Akuntansi*, 3(5), 390-399. <https://sociohum.net/index.php/JEBIMAN/article/view/276>

¹³ Avivah, L. N., Sutaryono, S., & Andari, D. W. T. (2022). Pentingnya pendaftaran tanah untuk pertama kali dalam rangka perlindungan hukum kepemilikan sertifikat tanah. *Tunas Agraria*, 5(3), 197-210. <https://doi.org/10.31292/jta.v5i3.186>

In the perspective of Philipus M. Hadjon's legal protection theory, the law must provide preventive and repressive protection.¹⁴ Preventive protection aims to prevent disputes through clear norms and orderly administration. Repressive protection is provided through dispute resolution mechanisms in the courts. Unregistered land demonstrates weak preventive protection because its legal position is not legally defined. When disputes arise, communities face a difficult burden of proof and often face uncertainty about the outcome. This situation demonstrates the failure of the law to optimally fulfill its protective function.

Agrarian conflicts that continue to occur in various regions are often rooted in unclear land status.¹⁵ Multiple claims, overlapping certificates, and differing interpretations of ownership evidence are recurring sources of dispute. Unclear norms regarding the status of unregistered land increase the potential for horizontal and vertical conflict. In a state governed by the rule of law, this situation threatens the principle of legal certainty and public trust in the land system. Weak legal certainty can undermine the state's legitimacy in managing agrarian resources. Land, which should be an instrument of social justice, has instead become a source of social tension.

Based on the overall description, the issue of land ownership without legal certainty cannot be viewed as merely an administrative issue, but rather as a normative and structural problem in national land law. Normatively, registration obligations have been regulated, but the legal consequences for unregistered land remain unclear. Empirically, millions of plots of land remain uncertified, potentially triggering disputes. This situation raises

fundamental questions regarding the legal standing of unregistered land rights and the effectiveness of the registration system in ensuring legal certainty. This study is crucial for assessing whether the construction of Indonesian land law aligns with the principles of legal certainty and rights protection, or whether it still leaves room for ambiguity that requires normative reconstruction.

METHODOLOGY

This research uses a normative legal research method with a statute approach, a conceptual approach, and a case approach. Normative legal research focuses on the study of legal norms, principles, and doctrines governing land registration and the status of unregistered land rights. According to Soerjono Soekanto and Sri Mamudji, normative legal research is research conducted by examining library materials or secondary data as a basis for examining applicable legal principles.¹⁶ A statutory approach is used to analyze the 1945 Constitution, the 1960 UUPA, and Government Regulation No. 24 of 1997 concerning Land Registration, while a conceptual approach is used to examine the theory of legal certainty, legal protection, and the principles of agrarian law. A case study approach is used by examining court decisions related to unregistered land disputes to identify inconsistencies in the application of norms and legal ambiguity in practice.

Legal sources consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and court decisions, while secondary legal materials include literature, scientific journals, and expert opinions relevant to the issue of normative ambiguity in land law. Peter Mahmud Marzuki states that legal research is a process of

¹⁴ Sabbaha, A. M. (2022). Analisis Yuridis Terhadap Perlindungan Hukum Bagi Para Penyintas Kekerasan Seksual Berdasarkan Surat Keputusan Rektor Uin Malang Nomor 1469 Tahun 2021 Perspektif Philipus M. Hadjon. *Lorong: Media Pengkajian Sosial Budaya*, 11(2), 1-10. <https://doi.org/10.1234/lorong.v11i2.2696>

¹⁵ Putra, H. T. S., AT, M. R., & Syam, R. (2025). Dinamika Konflik Agraria dan Ketimpangan

Tata Kelola:: Studi Kasus Sengketa Lahan di Desa Batu Mila. *Journal of Peace, Security and Democracy*, 1(2), 49-73. <https://doi.org/10.63280/jpsd.v1i2.45967>

¹⁶ Sukmawan, Y. A., & Damayanti, D. (2025). Metode Penelitian Hukum Normatif dan Empiris sebagai Strategi Penguatan Perspektif Kajian Ilmu Hukum. *Notary Law Journal*, 4(3), 114-128. <https://doi.org/10.32801/nolaj.v4i3.116>

discovering legal rules, legal principles, and legal doctrines to address the legal issues at hand.¹⁷ The analysis of legal materials was conducted qualitatively using systematic and grammatical interpretation techniques to identify ambiguities in norms and test the consistency between norms and practice. Through this method, the research aimed to produce prescriptive legal arguments regarding the status of unregistered land rights within the framework of legal certainty and protection.

RESULTS AND DISCUSSION

Normative Construction of Land Registration and the Status of Unregistered Land Rights in the Indonesian Land Law System

Article 33 paragraph (3) of the 1945 Constitution is the highest constitutional foundation for all national land law constructions, including the land registration system. This norm affirms that the land and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. The phrase “controlled by the state” cannot be interpreted as private ownership by the state, but rather as the state's right to control (HMN) which is public and functional in nature. The Constitutional Court interprets HMN as including the authority to regulate (*regelendaad*), manage (*bestuursdaad*), administer (*beheersdaad*), and supervise (*toezichthoudensdaad*). This authority places the state as a trustee or guardian who carries out the people's mandate, not as an *eigenaar* in the civil sense. Consequently, the state is obliged to establish a land administration system that is able to guarantee order, certainty, and protection of land rights so that its use is truly oriented towards social justice.

This constitutional mandate creates a normative obligation for the state to not merely regulate abstractly but also to ensure the existence of concrete mechanisms that guarantee legal certainty. Legal certainty in agrarian law encompasses not only certainty regarding who has rights, but also certainty regarding the boundaries, extent, type of rights, and legal status of the land.¹⁸ From the perspective of the theory of the rule of law (*rechtstaat*), the state is obliged to guarantee the existence of an administrative system that is predictable, transparent and accountable.¹⁹ Land registration is a concrete manifestation of this obligation because, through the processes of measurement, mapping, and bookkeeping, the state establishes formal legality for the legal relationship between land subjects and objects. Without land registration, state control as referred to in Article 33 paragraph (3) risks becoming a non-operational normative abstraction. Therefore, land registration is a constitutional instrument for transforming the principle of people's prosperity into a measurable and enforceable legal system.

Philosophically, the construction of land registration cannot be separated from the principle of the social function of land rights, as affirmed in the UUPA. Land rights in the Indonesian legal system are not absolute, as in the classical liberal concept, but rather contain social obligations.²⁰ The social function requires that land use not harm the public interest and not create structural inequality. Within this framework, land registration serves as a means of state control over land use to ensure it aligns with the interests of the wider community. The principle of nationality in the UUPA also emphasizes that all land within the territory of the Republic of Indonesia is the common land of all Indonesians, therefore its

¹⁷ Arifuddin, Q., Riswan, R., HR, M. A., Bulkis, B., Latif, A., Salma, S., ... & Indah, N. (2025). *Metodologi Penelitian Hukum*. PT. Sonpedia Publishing Indonesia.

¹⁸ Shella, S. A., & Ramasari, R. D. (2022). Tinjauan yuridis kekuatan hukum sertifikat tanah elektronik berdasarkan peraturan menteri agraria dan tata ruang nomor 1 tahun 2021. *Jurnal Hukum dan Etika Kesehatan*, 1-14. <https://doi.org/10.30649/jhek.v2i1.38>

¹⁹ Simanjuntak, M. M., & Fitriani, A. (2024). *Hukum Administrasi Negara: Teori dan Praktik*. YPAD Penerbit. <https://journal.yayasanpad.org/index.php/ypadbook/article/view/313>

²⁰ Ismaya, S. (2025). Kajian Teoritik Dualisme Kepentingan Dan Fungsi Sosial Hak Atas Tanah. *Wijaya Putra Law Review*, 4(2), 243-270. <https://doi.org/10.38156/wplr.v4i2.318>

regulation and registration must be carried out systematically. Land registration is thus not merely an administrative procedure, but an ideological instrument to ensure that land ownership remains within the orbit of social justice.

The operational elaboration of this constitutional mandate is explicitly stated in Article 19 of the UUPA, which requires the government to organize land registration throughout Indonesia. This article emphasizes that the primary objective of land registration is to ensure legal certainty. Its scope includes measurement, mapping, land bookkeeping, registration of transfers of rights, and the issuance of proof of rights in the form of certificates. Certificates, according to Article 19 paragraph (2) letter c, serve as strong evidence, thereby providing legal legitimacy for rights holders. This norm shows that land registration is not an option, but rather a structural obligation of the state. This obligation also takes into account aspects of justice by opening up the possibility of fee waivers for the underprivileged, so that the principles of affordability and inclusiveness are maintained.

More technical provisions in Government Regulation No. 24 of 1997 strengthen this normative construction by formulating the objectives, principles, and mechanisms of land registration. Article 3 of Government Regulation 24/1997 emphasizes that land registration aims to provide legal certainty and legal protection to rights holders and to provide land information to interested parties. Article 2 establishes the principles of simplicity, security, affordability, up-to-dateness, and transparency as the foundation for its implementation. The principles of simplicity and affordability reflect the dimensions of accessibility, while the principles of security

and up-to-dateness reflect the dimensions of accuracy and legal protection.²¹ The announcement mechanism in systematic registration also demonstrates the need for public participation to prevent future disputes. Normatively, this design demonstrates that land registration is designed not merely as a recording system, but as a transparent and conflict-preventive system for legitimizing rights.²²

However, the positive-leaning nature of Indonesia's negative publicity system creates a dialectic between legal certainty and substantive justice. Certificates are recognized as strong evidence, but they are not absolute, as they can still be challenged if proven to be legally flawed or in bad faith.²³ Article 32 of Government Regulation 24/1997 provides additional protection through a five-year time limit against lawsuits, provided the certificate was obtained in good faith and without objection. This system attempts to balance protection for the certificate holder with the rights of other parties who may be harmed. However, in practice, this negative system with positive tendencies also creates room for uncertainty because the finality of rights is not completely guaranteed. This tension demonstrates that land registration in Indonesia is a compromise between the absolutism of legal certainty and the demands of social justice, which philosophically reflects the unique character of national agrarian law.

The legal status of unregistered land within the Indonesian land system is problematic due to the lack of explicit regulations regarding the legal status of unregistered land. While the Basic Agrarian Law (UUPA) requires land registration through Article 19, this norm does not explicitly state that unregistered land loses its rights or becomes state land. This situation creates an

²¹ Firmansyah, M. A., & Ramadhan, R. (2025). Aspek Hukum dalam Bisnis. *AKSIOMA: Jurnal Sains Ekonomi dan Edukasi*, 2(4), 780-788. <https://doi.org/10.62335/aksioma.v2i4.1159>

²² Limbong, A. B., & Sitohang, B. S. (2026). Pengaruh Digitalisasi Layanan Agraria Terhadap Penyelesaian Sengketa Tanah Di Era Keterbukaan Informasi: Pendekatan Kebijakan Publik. *Jurnal Profil Hukum*, 70-80.

<https://ejournal.ust.ac.id/index.php/JPH/article/view/6063>

²³ Julacha, S. (2026). Kekuatan Sertifikat Hak Milik Sebagai Alat Bukti Dalam Sengketa Pertanahan: Analisis Kepastian Hukum Atau Kepastian Semu. *Indonesia of Journal Business Law*, 5(1), 57-74. <https://doi.org/10.47709/ijbl.v5i1.7477>

ambiguous construct: on the one hand, the land remains recognized based on physical control and customary evidence, while on the other, it does not receive the maximum legal certainty guaranteed by certified land. This situation demonstrates a lack of clarity regarding the legal consequences of non-registration. This ambiguity opens up room for differing interpretations in administrative and judicial practices. Normatively, this situation creates a dualism between sociological recognition and legal reinforcement, which has not been fully integrated within a single systemic framework.

Unregistered land, such as girik, letter C, or petok D, is still recognized as proof of ownership and the origin of rights, but is no longer positioned as proof of absolute ownership following the enactment of Government Regulation No. 24 of 1997 and Government Regulation No. 18 of 2021. These documents are viewed more as administrative instructions that must be converted through the initial registration mechanism to obtain a certificate. This position indicates a shift in the evidentiary paradigm from a system based on customary history to a modern administrative system based on state registration. Consequently, the evidentiary power of girik and similar land titles is relative and highly dependent on additional evidence such as witnesses, ownership history, and good faith. From a legal perspective, these documents do not stand alone as perfect evidence.²⁴ This weakness shows the inequality between holders of customary rights who have not been registered and certificate holders who are protected by the principle of *presumptio iustae causa*.

The distinction between factual control and legal ownership is central to understanding the status of unregistered land. Factual control refers to the actual and continuous

management, utilization, and physical possession of a plot of land. Legal ownership refers to formal recognition by the state through a certificate issued by the land authority. In practice, factual control often persists for decades without any administrative reinforcement, creating a gap between social reality and formal legality. Article 1963 of the Civil Code concerning the statute of limitations for acquisitive purposes indicates that good faith control over a specified period can give rise to rights. However, without certification, such control remains vulnerable to challenge and must be re-proven in court, making protection reactive rather than preventative.

The legal risks of unregistered land are increasing in the context of a new policy requiring the conversion of old documents before the 2026 deadline.²⁵ After this deadline, documents such as girik (land titles) are at risk of no longer being recognized as legal basis for transactions or conversions. This policy change narrows the transitional space between customary ownership and formal state recognition. Uncultivated land could even be categorized as abandoned land under Government Regulation No. 20 of 2021, making it subject to state expropriation. Normatively, this policy reinforces the state's focus on administrative certainty, but simultaneously raises questions about protecting communities who have long held their land. This tension demonstrates the need for harmonization between administrative policies and principles of social justice.

From the perspective of Gustav Radbruch's theory of legal certainty, the law must fulfill the elements of clarity, consistency, and predictability in order to protect citizens from arbitrary actions.²⁶ Land registration, as stipulated in Article 19 of the UUPA, is a concrete manifestation of this principle because

²⁴ Darizta, F., Sufitri, S., Firdaus, H., Fathony, M., & Sari, D. I. (2023). Barang Bukti dalam Hukum Pembuktian di Indonesia. *Lex Stricta: Jurnal Ilmu Hukum*, 2(2), 91-102. <https://ojs.stihpada.ac.id/index.php/lexstricta/article/view/1417>

²⁵ Latif, M. G. (2026). Dampak Perubahan Kebijakan Regulasi Aset Yang Diambil Alih (Ayda) Terhadap Strategi Pengelolaan Aset Bank

Swasta. *Jurnal Media Akademik (JMA)*, 4(1). <https://doi.org/10.62281/r0y0j716>

²⁶ Pratista, C. O., Zahro, F., & Putri, Z. A. (2025). Penerapan Konsep Keadilan Dalam Penyelesaian Sengketa Perbuatan Melawan Hukum. *Jurnal Pendidikan Sejarah dan Riset Sosial Humaniora*, 5(2), 72-79. <https://ejournal.penerbitjurnal.com/index.php/humaniora/article/view/1267>

it aims to ensure certainty regarding the subject, object, and status of land rights. Land certificates serve as a symbol of legal positivity, providing the highest level of formal protection. However, when norms regarding unregistered land are vague, the value of legal certainty is not fully realized. The unclear legal consequences of unregistered land create structural uncertainty within the system. This situation contradicts Radbruch's legal ideal, which places certainty as one of the fundamental values of law.

The tension between legal certainty and substantive justice is evident in Indonesia's system of positive-biased negative publicity. This system recognizes certificates as strong, but not absolute, evidence, allowing for lawsuits from other parties who feel aggrieved.²⁷ In unregistered land, this tension is further complicated because substantive justice often favors well-intentioned physical owners, while formal certainty favors title holders. This conflict demonstrates that administrative certainty is not necessarily synonymous with social justice. Radbruch himself emphasized that the law should not sacrifice justice to the point of mere certainty.²⁸ Therefore, the land system must be able to balance both so that legal legitimacy is maintained.

Criticism of inconsistencies in norms arises when administrative regulations, customary law, and provisions of the Civil Code are not fully integrated within a unified interpretative framework. Multiple interpretations regarding the validity of girik (land title), the time limit for land ownership, and the concept of good faith often give rise to disparities in judicial practice. This ambiguity is not merely a technical issue, but rather an epistemological one concerning how the state views the relationship between land, society,

and power. When norms are open to too broad interpretations, the stability of the legal system is compromised. This impacts not only individual disputes but also the institutional legitimacy of the National Land Agency and the judiciary. In the long term, this uncertainty can hinder investment and development because land, as a factor of production, lacks a solid legal status.

A review of court decisions shows that judges tend to assess unregistered land based on proof of physical possession and the history of land acquisition. Supreme Court jurisprudence emphasizes that girik (land certificate) and letter C are not absolute proof of ownership, but merely administrative guidelines. Supreme Court Decision No. 2595/Pdt/2018, for example, recognizes the validity of a SKT (Subject to Legal Evidence) as evidence unless proven otherwise. Judges often apply the principle of *actori incumbit probatio*, placing the burden of proof on the party asserting their rights.²⁹ Statements from village heads, customary witnesses, and evidence of land management are crucial elements in legal considerations. This approach demonstrates the court's attempt to fill normative gaps through contextual interpretation.

However, inconsistent legal considerations still frequently arise, particularly in conflicts between land title holders who lack physical control and undocumented cultivators who have held the land for a long time and in good faith. Disparities in decisions between levels of the judiciary demonstrate the lack of a solid standard of interpretation. In some cases, cultivators are protected based on the statute of limitations and good faith, while in others they are considered encroachers due to a lack of formal evidence. This inconsistency weakens legal predictability and increases the risk of

²⁷ Duppa, P. F., Soepeno, M. H., & Kermite, J. A. (2024). Kekuatan pembuktian alat bukti surat dalam hak kepemilikan atas tanah menurut hukum yang berlaku di Indonesia (Studi kasus sertifikat ganda). *Lex Administratum*, 12(2). <https://ejournal.unsrat.ac.id/index.php/administratum/article/view/55638>

²⁸ Firdaus, M. B. (2025). Dialektika Keadilan, Kepastian, Kemanfaatan Hukum dalam Perspektif Gustav Radbruch pada Hukum

Indonesia. *Jurnal Kajian Hukum Dan Kebijakan Publik* | E-ISSN: 3031-8882, 3(1), 357-367. <https://doi.org/10.62379/qy4b6z80>

²⁹ Hakim, L. (2023). Pembuktian Gugatan Sederhana terhadap Putusan Niet Onvankelijk Verlaard Ditinjau dalam Asas Actori Incumbit Onus Probatio:(Studi Kasus Putusan Pengadilan Negeri Muara Bungo Nomor: 26/Pdt. GS/2020/Pn. Mrb). *Jurnal Hukum Lex Generalis*, 4(4), 305-322. <https://doi.org/10.56370/jhlg.v4i4.373>

recurring disputes. Evaluation of judicial practices indicates that legal protection for unregistered land remains case-by-case and does not provide systemic guarantees. Therefore, the reconstruction of norms and strengthening the harmonization of customary law, positive law, and administrative policy are urgently needed to restore certainty and legitimacy to the Indonesian land legal system.

Reconstruction of Legal Protection for Unregistered Land Ownership within the Framework of the Principle of Legal Certainty

The legal protection theory proposed by Philipus M. Hadjon positions the state as the subject obligated to guarantee the dignity, honor, and rights of citizens from arbitrary actions, whether by the government or by fellow citizens. In the land sector, this theory finds concrete relevance because land is a strategic object related to the survival, social identity, and economic access of the community.³⁰ Legal protection cannot be interpreted simply as providing a dispute resolution mechanism, but must begin with the design of norms capable of preventing disputes from arising in the first place. Hadjon distinguishes preventive and repressive protection as two complementary instruments, where preventive protection provides space for participation and objections before a final decision is made, while repressive protection operates after a dispute has occurred through judicial or administrative mechanisms. In the Indonesian land system, land registration as mandated by Article 19 of the UUPA and further regulated in PP No. 24 of 1997 is the main form of preventive protection aimed at creating legal certainty for the subjects and objects of rights. However, when land is not registered, this preventive protection becomes weak or even false, because the state has not

provided a solid administrative guarantee for rights holders who only rely on physical control or customary evidence.

Preventive legal protection in the land sector ideally operates through a certification system, verification of physical and legal data, and open publication so the public can file objections before rights are definitively established. Certificates, as strong evidence, serve to prevent conflict through data predictability and transparency.³¹ However, for unregistered land, these preventive instruments do not operate optimally because there is no official registration in the land administration system. As a result, holders of girik, letter C, or land certificates rely solely on village-level social and administrative legitimacy, which, from a normative perspective, does not constitute strong evidence of rights. This situation demonstrates a gap between the normative construction of legal protection and the sociological reality on the ground, particularly in indigenous and remote areas. This preventive weakness opens up space for land mafia practices, document falsification, and the issuance of certificates on land that is actually controlled by another party. Consequently, legal protection only becomes effective when a dispute has already arisen and must be resolved repressively through the courts.

The relationship between legal certainty and land rights protection is correlative and inseparable, as legal certainty is a prerequisite for effective protection. Without certainty regarding who holds the rights, the location and boundaries of the land, and its legal status, legal protection remains merely declarative. From Gustav Radbruch's theoretical perspective, legal certainty requires clear, written, consistent, and predictable norms, so that citizens are protected from arbitrary action.³²

³⁰ Wicaksono, S., Bagas, B., & Reyhansyah, A. (2024). Penyelesaian Sengketa dan Konflik Pertanahan di Indonesia: Kajian Politik Hukum: Resolution of Land Disputes and Conflicts in Indonesia: A Study of Legal Politics. *Dialogia Iuridica*, 16(1), 068-095. <https://doi.org/10.28932/di.v16i1.9993>

³¹ Ahoen, B. (2025). Analisis Kekuatan, Kerentanan, dan Tantangan Pembuktian Sertifikat

Tanah Elektronik di Indonesia. *Jurnal Locus Penelitian dan Pengabdian*, 4(9), 8414-8428.

³² Rahardja, N. N., & Basani, C. S. (2025). Kepastian Hukum Alasan Kemanusiaan sebagai Dasar Pertimbangan Para Pihak dalam Melakukan Restorative Justice. *Jurnal Hukum Lex Generalis*, 6(12).

<https://doi.org/10.56370/jhlg.v6i12.2103>

Land registration is a concrete instrument to realize the value of certainty through official recording and issuance of certificates.³³ However, Indonesia's system of negative publicity with a positive bias limits the finality of that certainty, as certificates can still be challenged as long as there is evidence to the contrary. In situations where land is unregistered, the level of legal certainty declines, shifting land rights protection from the preventive administrative realm to the costly, lengthy, and uncertain realm of proving in court.

A critical evaluation of the negative publication system shows that while intended to protect true rights holders from administrative errors, it also creates structural uncertainty. The state does not fully guarantee the accuracy of the data contained in certificates, so the finality of rights is never truly absolute. In the case of unregistered land, this weakness is compounded by the lack of official data to serve as a baseline. While the transition to a more positive system through the PTSL program and certificate digitization has accelerated certification, this acceleration is often not matched by adequate quality of physical and legal data verification. This imbalance between quantity and quality has the potential to give rise to new disputes due to measurement errors, overlapping claims, or a lack of community participation in the adjudication process. Thus, a system designed to create certainty can actually produce conflict if it is not accompanied by strengthening data integrity and accuracy.

The problems of customary land and remote areas demonstrate the limitations of a land administration system based on a modern and formalistic paradigm. The dualism between customary law and positive law creates normative tensions, particularly when

customary land, sociologically recognized by indigenous communities, has not been administratively accommodated within the National Land Agency (BPN) system. The absence of formal certificates often results in customary land being considered state land or abandoned if not promptly registered, particularly ahead of the policy deadline following Government Regulation No. 18 of 2021. Geographical barriers, limited infrastructure, and officials' lack of understanding of the local context exacerbate this situation, leaving indigenous communities vulnerable to the loss of their rights. From a legal protection perspective, this situation demonstrates the state's failure to provide preventative protection that is inclusive and sensitive to the diversity of legal systems existing in society.³⁴ Without adequate harmonization, modern administrative systems risk eroding social legitimacy and increasing the potential for agrarian conflict.

The imbalance between certification acceleration and data verification quality also has significant administrative implications, potentially contributing to agrarian conflict. While the massive PTSL program has increased certification rates quantitatively, in some cases it has created land clusters with incomplete physical and legal data. When land surveying is carried out hastily without participatory boundary resolution, horizontal disputes between residents become difficult to avoid. Digitizing certificates as a modernization measure also presents new challenges in the form of cybersecurity and infrastructure readiness in remote areas.³⁵ An administrative system that is not yet fully synchronized with population and tax data creates inconsistencies that can be exploited by irresponsible parties. Within the framework of legal protection, this situation demonstrates that reform of the land

³³ Masri, E. (2023). Kebijakan penerbitan sertipikat elektronik pada sistem pendaftaran tanah di Indonesia untuk mewujudkan kepastian hukum. *Krtha Bhayangkara*, 17(1), 157-174. <https://doi.org/10.31599/krtha.v17i1.827>

³⁴ Riana, A., & Setyawati, L. (2025). Perlindungan Hukum Bagi Pekerja Disabilitas di Indonesia: Perspektif Perlindungan Hukum Satjipto Rahardjo. *Staatsrecht: Jurnal Hukum Kenegaraan*

dan *Politik Islam*, 5(2). <https://doi.org/10.14421/staatsrecht.v5i2.4664>

³⁵ Hidayah, S., Hariyani, E., Mukarromah, L., Niravita, A., & Fikri, M. A. H. (2024). Tantangan dan Peluang Sertifikat Elektronik dalam Reformasi Pendaftaran Tanah di Era Digital. *Jurnal Ilmiah Nusantara*, 1(6), 186-199. <https://doi.org/10.61722/jinu.v1i6.2793>

registration system cannot simply focus on expanding coverage but must also emphasize quality, integrity, and guaranteeing the finality of rights so that the principle of legal certainty is truly realized substantively, not merely administratively.

Normative reconstruction to address the ambiguity of norms regarding unregistered land must begin with the affirmation of firm and measurable legal consequences. To date, the UUPA and PP No. 24 of 1997 have mandated land registration, but have not explicitly formulated general sanctions for failure to register rights, thus creating room for normative ambiguity. Sectoral deadlines, such as the obligation for Land Deed Officials (PPAT) to submit deeds within 7 days or for inheritance registration within 6 months, have not yet established a systematic regime of consequences for land left unregistered for years. The policy of limited recognition of old documents starting in 2026 indicates a direction of restrictions, but has not been accompanied by a comprehensive transitional design to avoid injustice to ordinary people and indigenous people. Therefore, it is necessary to formulate norms that explicitly state the deadline for the conversion of old rights and progressive legal consequences, such as restrictions on certain legal acts or the obligation for administrative re-verification. The clarity of these consequences is not intended solely as a repressive sanction, but rather as a preventative instrument to enforce administrative order for the realization of substantive legal certainty.

Affirming the legal standing of non-certificate evidence is also a normative urgency that cannot be postponed. Girik, letter C, petok D, and village head certificates have been in a gray area: on the one hand, they are recognized as evidence of ownership, but on the other, they lack the evidentiary force of a certificate.³⁶ This ambiguity creates disparities in decisions and opens up room for manipulation, as judges are often forced to interpret them based on case studies without clear normative guidelines. Reconstruction of norms requires placing non-

certified evidence within a clear classification within evidentiary law, for example, as preliminary evidence that must be supported by continuous physical possession or community testimony. This approach will avoid the extreme dichotomy between "certified" and "uncertified" that has created uncertainty. Thus, the law does not negate social reality but maintains land administration as the ideal standard to be achieved.

Strengthening the principle of good faith is both a moral and legal foundation for protecting land ownership. SEMA No. 4 of 2016 has provided direction that buyers acting in good faith deserve protection, as long as they meet the criteria of prudence and formal procedures. However, strengthening this principle must be explicitly institutionalized in statutory norms so that it does not merely become an internal guideline for the judiciary. The principle of good faith needs to be emphasized as a binding principle in every transfer of rights, including for unregistered land. Protection for land owners who honestly and openly control land for 20 years, as stipulated in Government Regulation No. 24 of 1997, must be positioned as a corrective mechanism against state administrative negligence. This reconstruction also prevents the criminalization of small communities who actually manage land but lack adequate administrative access.

Harmonizing land registration norms and civil evidence law also requires a more systematic restructuring. Article 32 of Government Regulation No. 24 of 1997 states that certificates are strong evidence, but in practice, they are often treated as almost absolute or, conversely, easily invalidated. Civil evidence law, through Article 1865 of the Civil Code, places the burden of proof on the claimant, creating tension between the principle of administrative certainty and the search for material truth. Normative reconstruction needs to clarify the parameters for when a certificate can be revoked and under what conditions non-certificate evidence can prevail over a

³⁶ Sitingjak, P. R. T. U., Ratnadunita, I. A. A., Maharani, J., Rikuser, D. A. F., & Fikri, M. A. H. (2025). Pendaftaran Tanah dan Kepastian Hukum: Mengurai Problematika Warisan serta

Implikasinya Secara Hukum. *Jurnal Intelek Dan Cendekiawan Nusantara*, 2(5), 10062-10077. <https://jicnusantara.com/index.php/jicn/article/view/5499>

certificate. This clarification will reduce disparities in decisions and strengthen the integration between the land administration regime and civil procedural law. Legal certainty should not be sacrificed in the name of evidentiary flexibility, but it should also not stifle material justice.

Strengthening the publication system is the next strategic step to ensure more definitive legal certainty. Indonesia's negative publication system with a positive bias essentially allows for correction, but it also creates permanent uncertainty because there is no absolute guarantee of the data contained in the certificate.³⁷ The gradual shift towards a positive publication system requires serious consideration, particularly with the support of digitalization and multi-layered verification. In a positive system, the state guarantees the accuracy of published data, allowing third parties to trust it without fear. This shift requires infrastructure readiness and bureaucratic integrity, but without these steps, legal certainty will always be relative. The state cannot continue to hide behind negative doctrine if it wants to build a credible and globally competitive agrarian system.

The integration of land data digitization is a concrete instrument to reduce overlapping claims and land mafia practices. Electronic certificates, validation of KW456 data, and the use of Geographic Information Systems (GIS) provide opportunities for automatic detection of overlapping claims before certificates are issued. Digitization also increases transparency through public access to basic land information, thereby preventing covert manipulation. However, digitalization must be accompanied by cybersecurity standards and regular audits to prevent shifting the risk from physical to digital manipulation. This integration will be effective if accompanied by active public participation in data updates. Without adequate participation and legal literacy, digitalization will only

amount to administrative modernization without substantive transformation.

Synchronizing land data with the population administration and taxation systems strengthens the foundation of legal certainty through a single data approach. Integrating the National Land Registration Number (NIB) with the National Land Registration Number (NPP) and using the National Identification Number (NIK) as a single landowner identifier will minimize identity duplication and fictitious ownership. This alignment also enhances fiscal transparency, as the alignment of land area and land tax obligations can be monitored in real time. For the public, this synchronization simplifies the process of changing land titles, checking land titles, and assigning mortgages. For the state, this integration strengthens governance and prevents revenue leakage. This cross-sectoral harmonization reflects the fact that land legal certainty cannot stand alone but must be integrated with the overall state administration system.³⁸

Reconstructing norms and strengthening the publication system ultimately have direct implications for preventing agrarian disputes and conflicts. Clear norms regarding time limits, legal consequences, and protection of good faith will serve as a preventive instrument that closes the gap for manipulation. Certainty of land status will reduce horizontal disputes between citizens and vertical disputes between citizens and corporations or the state. Protection of good-faith communities also prevents the practice of expropriation through formalistic administrative procedures. With increased certainty, the state's legitimacy in agrarian management will strengthen because the community perceives the state as a protector, not merely a regulator. Social stability and agrarian justice are more likely to be achieved when land law is no longer a source of conflict, but rather a foundation for order and shared prosperity.

³⁷ Suhariono, A., Romadhona, M. K., Yanuardi, M. I., & Nampira, M. Z. (2022). Sistem publikasi pendaftaran tanah (Kajian sistem publikasi negatif bertendensi positif). *Notaire*, 5(1), 17-30. DOI: 10.20473/ntr.v5i1.21882

³⁸ Pransisto, J., Karim, K., & Syahril, M. A. F. (2022). Mewujudkan Kepastian Hukum

Pendaftaran Hak Milik Atas Tanah untuk mencegah Timbulnya Sengketa Tata Usaha Negara. *Jurnal Litigasi Amsir*, 9(4), 293-303. <http://journalstih.amsir.ac.id/index.php/julia/article/view/119>

CONCLUSION

The problem of land ownership without legal certainty regarding unregistered land rights stems from the vagueness of norms in the Indonesian land law system, which does not explicitly regulate the legal consequences of not registering land. While the UUPA and PP No. 24 of 1997 position registration as an instrument of legal certainty, the construction of a negative publication system with a positive tendency actually leaves room for multiple interpretations regarding the strength of evidence and the finality of rights, thus opening up opportunities for disputes and disparities in court decisions. The unclear position of non-certificate evidence, such as girik or evidence of physical possession, demonstrates the tension between formal legal certainty and substantive justice for communities not yet covered by land administration. This condition indicates that legal protection for unregistered land remains partial and repressive, not preventive and systemic. Therefore, normative reconstruction through affirmation of the legal status of unregistered land, strengthening the principle of good faith, harmonization of evidence law, and reformulation of the publication system is an urgent need to ensure legal certainty that is not only administrative in nature, but also guarantees agrarian justice and state legitimacy in managing land resources.

REFERENCE

- Ahoen, B. (2025). Analisis Kekuatan, Kerentanan, dan Tantangan Pembuktian Sertifikat Tanah Elektronik di Indonesia. *Jurnal Locus Penelitian dan Pengabdian*, 4(9), 8414-8428.
- Arifuddin, Q., Riswan, R., HR, M. A., Bulkis, B., Latif, A., Salma, S., ... & Indah, N. (2025). *Metodologi Penelitian Hukum*. PT. Sonpedia Publishing Indonesia.
- Avivah, L. N., Sutaryono, S., & Andari, D. W. T. (2022). Pentingnya pendaftaran tanah untuk pertama kali dalam rangka perlindungan hukum kepemilikan sertifikat tanah. *Tunas Agraria*, 5(3), 197-210.
<https://doi.org/10.31292/jta.v5i3.186>
- Cristina, J., & Manalu, I. (2025). Analisis Peran Alat Bukti dan Keterangan Saksi dalam Menentukan Keputusan Pengadilan Pidana. *Jurnal Kajian Hukum Dan Kebijakan Publik* | E-ISSN: 3031-8882, 3(1), 245-263.
<https://doi.org/10.62379/6vsnhe93>
- Darizta, F., Sufitri, S., Firdaus, H., Fathony, M., & Sari, D. I. (2023). Barang Bukti dalam Hukum Pembuktian di Indonesia. *Lex Stricta: Jurnal Ilmu Hukum*, 2(2), 91-102.
<https://ojs.stihpada.ac.id/index.php/lexstricta/article/view/1417>
- Duppa, P. F., Soepeno, M. H., & Kermite, J. A. (2024). Kekuatan pembuktian alat bukti surat dalam hak kepemilikan atas tanah menurut hukum yang berlaku di Indonesia (Studi kasus sertifikat ganda). *Lex Administratum*, 12(2).
<https://ejournal.unsrat.ac.id/index.php/administratum/article/view/55638>
- FERNANDES, D. V., SUYATNO, S., & MIARSA, F. R. D. (2022). Analisis Yuridis Kedudukan Fungsi Sosial Hak Atas Tanah Bagi Pekarangan Yang Tertutup. *Jurnal Reformasi Hukum: Cogito Ergo Sum*, 5(1), 9-17.
<https://doi.org/10.51804/jrhces.v5i1.1913>
- Firdaus, M. B. (2025). Dialektika Keadilan, Kepastian, Kemanfaatan Hukum dalam Perspektif Gustav Radbruch pada Hukum Indonesia. *Jurnal Kajian Hukum Dan Kebijakan Publik* | E-ISSN: 3031-8882, 3(1), 357-367.
<https://doi.org/10.62379/qy4b6z80>
- Firdaus, M. B. (2025). Dialektika Keadilan, Kepastian, Kemanfaatan Hukum dalam Perspektif Gustav Radbruch pada Hukum Indonesia. *Jurnal Kajian Hukum Dan Kebijakan Publik* | E-ISSN: 3031-8882, 3(1), 357-367.
<https://doi.org/10.62379/qy4b6z80>
- Firmansyah, M. A., & Ramadhan, R. (2025). Aspek Hukum dalam Bisnis. *AKSIOMA: Jurnal Sains Ekonomi dan Edukasi*, 2(4), 780-788.
<https://doi.org/10.62335/aksioma.v2i4.1159>

- Hakim, L. (2023). Pembuktian Gugatan Sederhana terhadap Putusan Niet Onvankelijk Verlaard Ditinjau dalam Asas Actori Incumbit Onus Probatio:(Studi Kasus Putusan Pengadilan Negeri Muara Bungo Nomor: 26/Pdt. GS/2020/Pn. Mrb). *Jurnal Hukum Lex Generalis*, 4(4), 305-322. <https://doi.org/10.56370/jhlg.v4i4.373>
- Hidayah, S., Hariyani, E., Mukarromah, L., Niravita, A., & Fikri, M. A. H. (2024). Tantangan dan Peluang Sertifikat Elektronik dalam Reformasi Pendaftaran Tanah di Era Digital. *Jurnal Ilmiah Nusantara*, 1(6), 186-199. <https://doi.org/10.61722/jinu.v1i6.2793>
- Info Publik, "ATR/BPN Catat 95,9 Persen Tanah Terdaftar lewat PTSL, Target Tuntaskan 5,1 Juta Bidang di 2025" <https://infopublik.id/kategori/nasional-ekonomi-bisnis/897147/atr-bpn-catat-95-9-persen-tanah-terdaftar-lewat-pts-l-target-tuntaskan-5-1-juta-bidang-di-2025#:~:text=Secara%20nasional%2C%20pencapaian%20pendaftaran%20tanah,tanah%20atas%20hak%20dirinya%20se%20ndiri>.
- Ismaya, S. (2025). KAJIAN TEORITIK DUALISME KEPENTINGAN DAN FUNGSI SOSIAL HAK ATAS TANAH. *Wijaya Putra Law Review*, 4(2), 243-270. <https://doi.org/10.38156/wplr.v4i2.318>
- Jaya, I. (2025). Penegakan Hukum Terhadap Tindak Pidana Pemaksaan Perkawinan Perspektif Sosiologi Hukum. *Legal Advice Journal Of Law*, 2(4), 1-17. <https://doi.org/10.51454/4nsr8g76>
- Julaeha, S. (2026). Kekuatan Sertifikat Hak Milik Sebagai Alat Bukti Dalam Sengketa Pertanahan: Analisis Kepastian Hukum Atau Kepastian Semu. *Indonesia of Journal Business Law*, 5(1), 57-74. <https://doi.org/10.47709/ijbl.v5i1.7477>
- Latif, M. G. (2026). DAMPAK PERUBAHAN KEBIJAKAN REGULASI ASET YANG DIAMBIL ALIH (AYDA) TERHADAP STRATEGI PENGELOLAAN ASET BANK SWASTA. *Jurnal Media Akademik (JMA)*, 4(1). <https://doi.org/10.62281/r0y0j716>
- Limbong, A. B., & Sitohang, B. S. (2026). Pengaruh Digitalisasi Layanan Agraria Terhadap Penyelesaian Sengketa Tanah Di Era Keterbukaan Informasi: Pendekatan Kebijakan Publik. *Jurnal Profil Hukum*, 70-80. <https://ejournal.ust.ac.id/index.php/JPH/article/view/6063>
- Masri, E. (2023). Kebijakan penerbitan sertipikat elektronik pada sistem pendaftaran tanah di Indonesia untuk mewujudkan kepastian hukum. *Krtha Bhayangkara*, 17(1), 157-174. <https://doi.org/10.31599/krtha.v17i1.827>
- Murni, C. S., & Sulaiman, S. (2022). Sertifikat Hak Milik Atas Tanah Merupakan Tanda Bukti Hak Kepemilikan Tanah. *Lex Librum*, 8(2), 183-198. <https://doi.org/10.46839/lljih.v8i2.370>
- Nusantara, R. H. G., & Harahap, N. T. H. (2025). Filsafat Hukum Dan Keadilan Sosial: Analisis Teoritis Tentang Peran Hukum Dalam Mewujudkan Kesejahteraan Masyarakat. *Nusantara: Jurnal Pendidikan, Seni, Sains dan Sosial Humaniora*, 3(01). <http://journal.forikami.com/index.php/nusantara/article/view/929>
- Nyototama, D. A. (2025). Hak Allah dan Hak Hamba dalam Pemikiran Madzhab Hanafi sebagai Basis Rekonstruksi Supremasi Negara atas Sumber Daya Alam (Pasal 33 Ayat (3) UUD 1945 dan Fatwa MUI No. 86 Tahun 2023). *Jurnal Pemuliaan Lingkungan Hidup dan Sumber Daya Alam*, 2(02). <https://jurnal.mui.or.id/index.php/lplhsd/article/view/5>
- Pransisto, J., Karim, K., & Syahril, M. A. F. (2022). Mewujudkan Kepastian Hukum Pendaftaran Hak Milik Atas Tanah untuk mencegah Timbulnya Sengketa Tata Usaha Negara. *Jurnal Litigasi Amsir*, 9(4), 293-303. <http://journalstih.amsir.ac.id/index.php/julia/article/view/119>
- Pratista, C. O., Zahro, F., & Putri, Z. A. (2025). Penerapan Konsep Keadilan Dalam Penyelesaian Sengketa Perbuatan Melawan Hukum. *Jurnal Pendidikan Sejarah dan Riset Sosial Humaniora*, 5(2), 72-79.

- <https://ejournal.penerbitjurnal.com/index.php/humaniora/article/view/1267>
- Putra, H. T. S., AT, M. R., & Syam, R. (2025). Dinamika Konflik Agraria dan Ketimpangan Tata Kelola: Studi Kasus Sengketa Lahan di Desa Batu Mila. *Journal of Peace, Security and Democracy*, 1(2), 49-73. <https://doi.org/10.63280/jpsd.v1i2.45967>
- Rahardja, N. N., & Basani, C. S. (2025). Kepastian Hukum Alasan Kemanusiaan sebagai Dasar Pertimbangan Para Pihak dalam Melakukan Restorative Justice. *Jurnal Hukum Lex Generalis*, 6(12). <https://doi.org/10.56370/jhlg.v6i12.2103>
- Ratrisnanti, L. (2025). Implikasi Yuridis Kepemilikan Letter C, Patuk D, Dan Landrente Pasca Berlakunya PP 18 2021. *Jaksa: Jurnal Kajian Ilmu Hukum dan Politik*, 3(1), 19-30. <https://doi.org/10.51903/jaksa.v3i1.2329>
- Riana, A., & Setyawati, L. (2025). Perlindungan Hukum Bagi Pekerja Disabilitas di Indonesia: Perspektif Perlindungan Hukum Satjipto Rahardjo. *Staatsrecht: Jurnal Hukum Kenegaraan dan Politik Islam*, 5(2). <https://doi.org/10.14421/staatsrecht.v5i2.4664>
- Sabbaha, A. M. (2022). Analisis Yuridis Terhadap Perlindungan Hukum Bagi Para Penyintas Kekerasan Seksual Berdasarkan Surat Keputusan Rektor Uin Malang Nomor 1469 Tahun 2021 Perspektif Philipus M. Hadjon. *Lorong: Media Pengkajian Sosial Budaya*, 11(2), 1-10. <https://doi.org/10.1234/lorong.v11i2.2696>
- Shella, S. A., & Ramasari, R. D. (2022). Tinjauan yuridis kekuatan hukum sertifikat tanah elektronik berdasarkan peraturan menteri agraria dan tata ruang nomor 1 tahun 2021. *Jurnal Hukum dan Etika Kesehatan*, 1-14. <https://doi.org/10.30649/jhek.v2i1.38>
- Sihaloho, A. A. Y. (2025). Sertifikasi Tanah Sebagai Instrumen Perlindungan Hukum Dan Jaminan Investasi Untuk Mendukung Kegiatan Ekonomi Penggunaan Aset Tanah. *JEBIMAN: Jurnal Ekonomi, Bisnis, Manajemen dan Akuntansi*, 3(5), 390-399. <https://sociohum.net/index.php/JEBIMAN/article/view/276>
- Simanjuntak, M. M., & Fitriani, A. (2024). Hukum Administrasi Negara: Teori dan Praktik. *YPAD Penerbit*. <https://journal.yayasanpad.org/index.php/ypadbook/article/view/313>
- Sitinjak, P. R. T. U., Ratnadunita, I. A. A., Maharani, J., Rikuser, D. A. F., & Fikri, M. A. H. (2025). Pendaftaran Tanah dan Kepastian Hukum: Mengurai Problematika Warisan serta Implikasinya Secara Hukum. *Jurnal Intelek Dan Cendekiawan Nusantara*, 2(5), 10062-10077. <https://jicnusantara.com/index.php/jicn/article/view/5499>
- Suhariono, A., Romadhona, M. K., Yanuardi, M. I., & Nampira, M. Z. (2022). Sistem publikasi pendaftaran tanah (Kajian sistem publikasi negatif bertendensi positif). *Notaire*, 5(1), 17-30. DOI: 10.20473/ntr.v5i1.21882
- Sukmawan, Y. A., & Damayanti, D. (2025). Metode Penelitian Hukum Normatif dan Empiris sebagai Strategi Penguatan Perspektif Kajian Ilmu Hukum. *Notary Law Journal*, 4(3), 114-128. <https://doi.org/10.32801/nolaj.v4i3.116>
- Tempo, "Menteri ATR Nusron Wahid Bilang 92,12 Persen Pulau Kecil Belum Bersertifikat" <https://www.tempo.co/politik/menteri-atr-nusron-wahid-bilang-92-12-persen-pulau-kecil-belum-bersertifikat-1865333>
- Wicaksono, S., Bagas, B., & Reyhansyah, A. (2024). Penyelesaian Sengketa dan Konflik Pertanahan di Indonesia: Kajian Politik Hukum: Resolution of Land Disputes and Conflicts in Indonesia: A Study of Legal Politics. *Dialogia Iuridica*, 16(1), 068-095. <https://doi.org/10.28932/di.v16i1.9993>
- Yansen, A. (2025). Perlunya Sistem Administrasi Pertanahan Yang Andal Dan Transparan: Membangun Kepastian Hukum, Penyelesaian Sengketa Yang Adil, Dan Mendukung Investasi Serta Akses Usaha. *JEBIMAN: Jurnal*

Ekonomi, Bisnis, Managemen dan
Akuntansi, 3(6), 465-474.
[https://sociohum.net/index.php/JEBIMA
N/article/view/312](https://sociohum.net/index.php/JEBIMAN/article/view/312)