

Regulation of Maladministration of the National Land Agency as the Embodiment of Principles of Legal Certainty of Land Ownership

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land agency (BPN).

Abstract. Land registration guarantees legal certainty, so the government is obliged to ensure the validity of legal data on land ownership rights. The authority of the National Land Agency (BPN) is often abused, either through negligence or intentionally, causing land administration problems, as reflected in Supreme Court Decision No. 458 PK/PDT/2021. The BPN, as the authority responsible for providing legal certainty to the public regarding such matters, is the entity that caused the issuance of two certificates on the same piece of land. The type of research used is normative empirical legal research with a judicial case study approach. This study aims to identify regulations related to the maladministration committed by the BPN in issuing duplicate land certificates and to realize the principle of legal certainty in land ownership. The results of the study indicate that the BPN has committed maladministration, which not only violates positive law but also violates the principles of good governance (general principles of good governance). The land disputes issued by the BPN involve overlapping claims over the ownership rights of a particular piece of land, necessitating ideal regulations regarding the duties and authorities of the BPN to realize the principle of legal certainty. The land certification process is required to be digitized to prevent maladministration.

1. INTRODUCTION

The land registration system in Indonesia is a unity of activities in an administrative system for all land parcels and is also a manifestation of legal certainty over land. The land registration system has a meaning that is in line with the land publication system because every registered land must be known by anyone who wishes (Saputra, 2021). As a consequence of the registration of rights where juridical data is used in proving rights, the government is obliged to guarantee the truth of land rights claimed by the owner. In order to ensure legal certainty for holders of land rights, according to the law, a "certificate" is a strong means of proof, so that the owner is given legal certainty and legal protection. The existence of the certificate will ensure the existence of land rights holders (Sibuea, 2011). The authority to register land is contained in the provisions of Article 5 jo. Article 6 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, which reads: Land registration is organized by the National Land Agency. In the context of organizing land registration as referred to in Article 5, the task of implementing land registration is carried out by the Head of the Land Agency, except for certain activities which are assigned to other officials by this Government Regulation or the relevant legislation.

Article 1 paragraph (1) of Presidential Regulation (Perpres) Number 177 of 2024 concerning the National Land Agency (BPN) states that BPN is a Non-Ministerial Government Institution under and responsible to the President. The task of BPN is to assist the President in managing and developing Land Administration both based on Law Number 5 of 1960 concerning Basic Agrarian Law (UUPA) and other laws and regulations which include the regulation, use, control and ownership of land, determination of land rights, measurement and registration of land and others related to land issues based on policies set by the President.

However, in practice, the authority possessed by BPN is often misused, either intentionally or unintentionally, resulting in various problems in the implementation of land administration. This is reflected in a number of cases, such as the case in the Pagar Laut area, Tangerang, where the issuance of Building Use Rights Certificates (SHGB) to Freehold Certificates (SHM) in a number of other coastal areas, such as in Subang and Makassar, shows a pattern of land administration abuse that not only occurs sporadically, but is also geographically widespread. The government identified the existence of 263 Building Use Rights Certificates (SHGB) and 17 Freehold Certificates (SHM) issued in the seawall area of Kohod Village, Pakuhaji Subdistrict, Tangerang Regency, Banten, with a total area exceeding 410 hectares. Of the total certificates, 234 were registered under the name of PT Intan Agung Makmur, and 20 were owned by PT Cahaya Inti Sentosa. The sea fence area stretches along 30.16 kilometers in Tangerang coastal waters. According to I Gusti Agung Made Wardana, an expert on environmental law from Gadjah Mada University (UGM), the sea area cannot be the subject of a land certificate as the coastal area is publicly owned and cannot be privatized (BBC, 2025).

In addition to this case, the author also takes one example of a case in a court decision that highlights the disorder and maladministration carried out by BPN, namely District Court Decision No. 134/Pdt.G/2019/Pn Amb. The litigants included Helmi Alzagladie as the Plaintiff, Defendants 1 to 42, and the Head of the Ambon City Land Agency as Defendant 49. In the merit of the case, the Plaintiff is the owner of a parcel of land based on SHM Number: 296/Rumah Tiga of 1976 dated September 9, 1976 which has been amended to SHM Number 2476/Rumah Tiga signed by the Head of the Land Agency of Ambon City (*jim and plotting*) covering an area of 23,260 M² located in the *petuanan* or customary land of Rumah Tiga, Teluk Ambon Subdistrict, Ambon City which was inherited from the Plaintiff's father named Calib Alzagladi (the Late). Defendants 1 to 47 claimed parts of the Plaintiff's land as their own and have occupied it without the knowledge and permission of the Plaintiff.

Defendants 1 to 36 submitted an application for the acquisition of land rights to the Defendant BPN based on cooperation with the Defendant 48 who issued a Certificate of Title as the basis for administration, then by the Defendant BPN, the SHM was issued. Meanwhile, Defendants 37 – 45 did not yet have a SHM but had constructed and utilized the disputed land without permission. Defendant 46 was known to have sold the land to Defendant 19, who then obtained a SHM from Defendant 49 on the

basis of the same certificate. Defendant 47 claimed to be the owner of the land and gave permission to Defendants 1 – 36 to occupy the land, which was then used as the basis for an application for rights under the Prona program in 2009-2010, except for Defendant 28 who applied for a certificate independently in 2017. The Plaintiff has attempted to resolve the dispute amicably by presenting proof of ownership, but it has received no positive response from the Defendants.

Consideration of the Panel of Judges in District Court Decision No. 134/Pdt.G/2019/Pn Amb stated that SHM Number 2476/Rumah Tiga was legally owned by the Plaintiff as the heir of the Late Calib Alzagladi, but Defendants 1 - Defendant 47 stated that the Plaintiff's land plot partially belonged to Defendant 1 - Defendant 47, so Defendant 1 - Defendant 47 have occupied part of the land parcel, and they have occupied, cultivated, controlled, enjoyed and owned the disputed object based on the SHM issued by Defendant 49 (Ambon City Land Agency) based on the title issued by Defendant 48 without the knowledge and permission of the Plaintiff. The Panel of Judges considered that the disputed object was legally owned by the Plaintiff, as evidenced by SHM Number 2476/Rumah Tiga in the name of the Late Calib Alzagladi, the result of an amendment to SHM Number 296/Rumah Tiga. The Plaintiff was proven to be the legal heir, while Defendant 1 - Defendant 45 controlled the land without rights, so their actions were considered unlawful.

In addition, BPN also issued certificates to the Defendants, including Freehold Certificate No. 1347 of 2009 in the name of La Alima, Freehold Certificate No. 1348 of 2009 in the name of Wa Nenjo, Freehold Certificate No. 1353 of 2009 in the name of La Asri and 33 other Defendants. This is where BPN committed maladministration by issuing certificates without conducting a site visit. According to the witness, the legal basis for the issuance of the certificate by the community in Bandarin Hamlet was the PRONA program by the Ambon City Land Agency in 2009 and a certificate from Negeri Rumah Tiga, and this cannot be justified because the land is State Land and not Customary Land, and the issuance of the certificate according to the witness is an administrative legal defect because if the land is former Eigendom Verponding No. 1029, the Land Agency has the right to issue a freehold certificate, and because the land is not customary land, the certificate issued by the Head of Negeri Rumah Tiga Village cannot be justified.

From the considerations of the Panel of Judges, the Panel of Judges issued a Verdict in Decision Number 134/Pdt.G/2019/PN Amb., which stated that SHM Number 2476/Rumah Tiga was legally owned by the Plaintiff as the heir of the Late Calib Alzagladi, and it had binding legal force. The Panel of Judges also stated that the actions of Defendants 1 - 45 were unlawful and stated that the SHM issued by Defendant 49, namely BPN, was invalid. In Supreme Court Decision Number 22/PDT/2020/PT AMB at the appeal level upheld the District Court Decision Number 134/Pdt.G/2019/PN Amb., both in legal considerations and the verdict. In the Judicial Review Decision Number 458 PK/PDT/2021, it is stated that the application was rejected, so the court decision at the previous level remains valid and has permanent legal force.

This maladministration not only creates legal uncertainty, but also shows that the actions of Defendant 49 in issuing the certificate for the object in dispute violated the normative provisions described above. In addition, these actions also contravened general principles of good governance (AUPB), among others:

1. The Principle of Legal Certainty, which is the principle in a state of law that prioritizes the basis of rules, regulations, decency, and justice in every policy of State administrators (Hukum Online, 2023).
2. The Principle of Orderly State Administration, which is the principle that forms the basis for controlling State administrators.
3. The Principle of Professionalism, which is the principle that prioritizes expertise based on the Code of Ethics and the provisions of the Laws and Regulations.
4. The Principle of Accuracy, which is the principle which means that a decision and/or action must be based on complete information and documents to support the legality of the determination and/or implementation of decisions and/or actions, so the decisions and/or actions concerned are carefully prepared before the decisions and/or actions are determined and/or carried out. This principle aims to ensure that the activities of state administrators do not harm citizens (Hukum Online, 2023).

The issuance of two land certificates for a parcel of land can cause legal problems, given that the certificate has a function as evidence of land rights and mortgage rights, while the original owner of the land with a double certificate also needs to be given legal guarantees and legal protection (Putra, 2023). Article 30 of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia No. 21 of 2020 concerning the Handling and Settlement of Land Cases states that the authority to cancel land certificates deemed defective rests with the Head of the National Land Agency of the Republic of Indonesia. However, in the decision that the author analyzes, BPN as the body that has the authority and provides legal certainty to the public in this regard is the one that causes defects in the certificate. This is what prompted the author to conduct research relating to the legal settlement of dual certificates. Thereby, looking at the background above, the author can formulate the following problems: (1) What are the elements of maladministration by the National Land Agency in the issuance of dual land certificates? (2) What are the juridical consequences of dual certificates that are proven to have been issued as a result of negligence by the National Land Agency?

2. MATERIALS AND METHODS

In conducting scientific research, writing scientific papers must use methods (Efendi & Ibrahim, 2020). Based on the Great Dictionary of the Indonesian Language (KBBI), the meaning of the research method is as a way of seeking truth and principles of natural phenomena, society, or humanity based on the relevant scientific discipline (KBBI, 2025). The type of research used by the author is empirical normative legal research (Budianto, 2020). This is done because there is a gap between the applicable legal norms and the reality in the field, and this research will also highlight the enactment or implementation of normative legal provisions in an action manner on every specific legal event that occurs in society. The research approach taken by the author is through a Judicial Case Study approach, namely a legal case study approach due to conflict, so intervention with the court will be involved to provide a resolution decision. This research aims to examine the resolution of disputes over dual land certificates and the accompanying legal certainty guarantees by reviewing the provisions of the applicable laws and regulations, factual conditions in the field, and applying them through a case study of Supreme Court Decision [Number 22/PDT/2020/PT AMB](#) as the object of analysis.

3. RESULTS AND DISCUSSION

Land registration is organized by the National Land Agency as a form of implementation of the state's obligation to ensure legal certainty in the land sector (Pasal 5 PP 24/1997). Through this registration system, a land title certificate that has strong evidentiary power is produced (Article 19 paragraph (2) letter c, Article 23 paragraph (2), Article 32 paragraph (2), and Article 38 paragraph (2) of the Basic Agrarian Law (UUPA)). The certificate is the title deed in question and serves as valid evidence in proving land rights (Yuliana, 2023).

Article 30 paragraph (1) of Government Regulation No. 24/1997 states that the certificate is issued for the benefit of the relevant right holder in accordance with the physical and juridical data that have been registered in the land book. A certificate of land rights can only be handed over to the party whose name appears in the land book as the legal holder of the right, or to another party who is legally authorized to do so (Anatami, 2017). In practice, however, the emergence of dual certificates has resulted in a loss of legal certainty over land ownership rights. This contradicts the main purpose of land registration, which is to obtain a certificate as valid evidence with perfect legal force.

Several factors cause the occurrence of dual certificates, including the absence of a land registration map at the local Land Agency, or the mapping of the original certificate is not carried out at the agency, the expansion of administrative areas that occur has led to unclear juridical boundaries between regions. In addition, the lack of thoroughness and accuracy of land officers in conducting verification and research on proposed land parcels is also a contributing factor to problems in land administration (Sorongan, 2015). Legal uncertainty arises due to the existence of two concurrent legal statuses on one land parcel, which in turn leads to conflicts of rights and decreases trust in the land administration system.

3.1 Elements of Maladministration of the National Land Agency for the Issuance of Dual Land Certificates

In practice, the legal system in Indonesia still faces various obstacles and challenges in solving the nation's problems (Cahyarini, 2020). Under Article 19 of the Basic Agrarian Law (UUPA), land registration plays a crucial role in providing legal certainty to the community. However, even though the land registration process has been carried out, conflicts over land ownership rights still often occur in the community, which in many cases lead to judicial proceedings. One example is the dispute in Supreme Court Decision Number 22/PDT/2020/PT AMB, in which Helmi Algadie (Plaintiff/Appellee) as the heir to land recorded in SHM Number 296/Rumah Tiga of 1976 dated 9 September 1976 covering an area of 23,260 square meters. The Appellants/Defendants I to XLVII in the case claimed that part of the land, approximately 14,650 square meters, was under their control.

The Freehold Certificate (SHM) owned by the Appellants/Defendants is the result of the implementation of a government program in the form of the National Agrarian Operations Project (Prona). According to Article 1 point 1 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 28 of 2016 concerning the Acceleration of the National Agrarian Program through Systematic Land Registration, PRONA is:

"The National Agrarian Program, hereinafter abbreviated as PRONA, is a program to accelerate the determination of land rights and community land registration which is carried out systematically and continuously village by village throughout the territory of the Republic of Indonesia, in accordance with the strategy of development from the periphery".

Based on data from the Village Government, the land being claimed in question was former Eigendom Verponding No. 1029. At the time of the implementation of the Prona program, the Appellants/Defendants had obtained a certificate of title from the Head of Rumah Tiga Village (who also acted as Appellant/Defendant 28), which was used as the basis for applying for land registration. As a result, BPN (as Defendant 49) did not conduct field verification of the status and existence of the land rights, and immediately processed the application file. BPN stated that if it had known that the land already had a certificate, it would not have proceeded with the issuance of the SHM on behalf of the Defendants.

In the land registration system, there is a legal principle called the principle of security. This principle aims to provide legal protection for holders of land rights certificates. The implementation of the principle of security requires that the land registration process be carried out carefully, thoroughly, and with great care by the authorized agency, in this case the National Land Agency (BPN). Thereby, the certificates issued are expected to be free from legal problems and can provide a strong guarantee of legal certainty for holders of land rights (Dewi, 2014).

Based on the cases analyzed in this research, it can be concluded that there has been maladministrative by the National Land Agency (BPN), which is not in line with the principle of prudence as contained in the principle of security in the land registration system. The principle of security requires that every process of registration and issuance of certificates be carried out thoroughly, carefully and accurately in order to ensure legal certainty and protection for right holders (Anhar, 2017). In this case, BPN issued two SHMs for the same land object, leading to a land dispute in the form of dual certificates. The certificates in the names of Defendants I to 36 were issued in 2009 and 2017 under the Prona program, while the first registered certificate was SHM No. 296/Rumah Tiga in the name of the Late Calib Alzagladi, issued on 9 September 1976, and was later renewed as SHM No. 2476/Rumah Tiga.

The actions of the National Land Agency (BPN), as Defendant 49, in issuing the certificate over the disputed object show that it has violated the general principles of good governance (AUPB). The author's description of these violations will be analyzed based on the relevance of the actions of Defendant 49 to several principles of good governance as follows:

1. The Principle of Legal Certainty, namely the principle in a state of law that prioritizes the basis of rules, regulations, decency and justice in every policy of State administrators (Hukum Online, 2023). In this principle of legal certainty, the existence of a certificate as proof of legal ownership related to the SHM owned by the Plaintiff as a legal heir. However, the actions of Defendant 49, namely BPN, in issuing dual certificates for the disputed object show that the Head of the Land Agency, as the representative of the National Land Agency, acted in a less thorough and careful manner, and ignored the principle of prudence in applying the provisions of the applicable land law. This overlapping condition brings uncertainty to the Defendants who experienced it. There is no guarantee of legal protection received, so if examined more deeply, if this overlapping condition occurs because of the issuance of SHM, then it must be emphasized that there was an error during the process of issuing the Defendants' certificate because in the control of empirical data, BPN as a government organ has not been able to examine and check directly the object of the dispute, so it can be stated that the certificate issued is juridical formal defects and juridical material defects.
2. The Principle of Orderly State Administrators, which is the principle that serves as the basis for controlling State

administrators (Solechan, 2019). BPN is responsible for a lawsuit in court regarding a parcel of land that has two (2) certificates, which creates legal uncertainty for land rights holders. In this case, the actions of Defendant 49 in issuing dual certificates for the object in dispute are concrete evidence of systemic failures in land administration. This action not only creates legal uncertainty, but also reflects arbitrary practices and potentially maladministration (Fitra, 2024). This occurred as a result of not conducting a thorough verification of the juridical and physical data listed in the Land Register in Rumah Tiga Village, Ambon City. This is contrary to the Principle of Orderly State Administrators, which requires every public official to act in accordance with standard procedures, accountable management systems, and principles of good governance. This principle demands regularity, administrative order, and compliance with the law in every action of state administrators.

3. The Principle of Professionalism, which is the principle that prioritizes expertise based on the Code of Ethics and the provisions of the Laws and Regulations (Gandaria, 2015). In this case, BPN has the authority to issue certificates of land rights as well as to register land rights and maintain a public register by establishing a work unit known as a land office. BPN has duties and functions, including land registration, mapping, land measurement, issuance of land certificates, and settlement of land disputes. BPN as an institution that plays a central role in land affairs has an important role in ensuring legal certainty, protection of land rights, and sustainable development (Pasamai & Salle, 2024). It can be seen in the function of BPN above, that BPN is an agency that has the authority related to land registration and issuance of land certificates and supervision of land ownership. In its implementation, BPN has a function to manage data related to land and land rights. Therefore, if there is an error in administration or maladministration in relation to land which includes the problem of dual certificates, then it is the absolute responsibility of BPN as the only body that has the authority in land registration. Based on the case analyzed by the author, the actions of Defendant 49, namely BPN, in issuing dual certificates for the disputed object, proves that Defendant 49 lacks mastery, understanding of the main duties and functions in accordance with the authority granted by law as a State Administrator in the Land Registration Procedure, Transfer of Rights.
4. The Principle of Accuracy, which is the principle which means that a decision and/or action must be based on complete information and documents to support the legality of the determination and/or implementation of the decision and/or action, so the decision and/or action concerned is carefully prepared before the decision and/or action is determined and/or carried out (Hukum Online, 2023). The object of dispute issued by Defendant 49 contains juridical defects and has legal grounds to be declared void. Defendant 49, in this case the Head of the Ambon City Land Agency, maladministered the process of issuing certificates and land titles by not checking the location of the land, so the files were processed immediately. BPN stated that if it had been known from the outset that the location in question already had a valid SHM, the Ambon City BPN would not have continued the process of issuing certificates on behalf of the Defendants. This action is a form of maladministration committed by state administrative officials that is contrary to the general principles of good governance, especially the principles of accuracy, legal certainty, and professionalism in public services.

In deciding cases related to the existence of dual certificates for the same land parcel, the Panel of Judges refers to the Supreme Court Jurisprudence Number 976 K/Pdt/2015. In the jurisprudence, it is emphasized that if there are two certificates of rights to the same land, and both have authentic strength, then the evidence that has higher legal strength is the certificate first issued. Therefore, in determining the validity between two certificates that are both authentic, the principle applies that the certificate that was issued earlier has a stronger legal position and is valid (Matrullah & Sumanto, 2021). In the case a quo, the certificate in the name of the Plaintiff was issued earlier than the certificate owned by the Defendants, so the first mentioned has higher legal legitimacy.

Although the Defendants, who in this case are tenant farmers, have controlled, occupied and cultivated the disputed land for generations for approximately 38 (Thirty-eight) years, as well as carrying out cultivation activities and living on the land, this does not necessarily provide legal legitimacy for the ownership of the land in question. This is because the Freehold Certificate (SHM) issued by the Ambon City BPN to the Defendants was declared invalid, given that the certificate was issued on a parcel of land that already had a previous certificate, namely SHM No. 296/Rumah Tiga which was later updated to SHM No. 2476/Rumah Tiga. Thereby, the SHM belonging to the Defendants has no legal validity and is contrary to the principle of legality in land registration (Sa'diyah & Aminah, 2024).

Based on the description of the maladministration committed by BPN, the actions can be categorized as a form of maladministration. Against this maladministration practice, Indonesia has established an institution, namely Ombudsman of the Republic of Indonesia, which has the authority to supervise the implementation of public services. The presence of Ombudsman is expected to ensure the creation of effective, efficient, and equitable public services. As an institution that specifically handles complaints of maladministration, Ombudsman has a strategic position in realizing administrative justice, which is part of the objectives of the national legal system (Ombudsman RI, 2020).

3.2 Juridical Consequences of Dual Certificates Proven to be Issued as a Result of Negligence of the National Land Agency

The existence of dual certificates clearly creates legal uncertainty for holders of land rights, a condition that is very contrary to the main objectives of the land registration system in Indonesia, namely to realize legal certainty and protection of land ownership. The legal consequences of dual certificates are (Sutopo, 1992):

- a. There is chaos in the ownership status of land rights.
- b. Legal disputes arise between parties who feel they have legitimate rights.
- c. Increased legal uncertainty in the land sector.
- d. The potential for criminal offenses, especially the misuse or use of fake certificates that can harm legitimate right holders and third parties.
- e. Declining public confidence in the validity and reliability of land title certificates as proof of legal ownership.

In this context, the cancellation of land rights certificates can be used as one of the legal instruments to restore legal certainty. This cancellation essentially also means the cancellation of the land right itself, and it can be done if the recipient of the right does not meet the requirements as stipulated in the decision to grant the right, or if there is an administrative error in the decision letter

issued by the authorized official. Therefore, a monitoring mechanism for the process of granting and issuing land rights is very important to prevent more complex legal problems in the future (Hasbia, 2021).

Based on the analysis of the case decisions studied, it appears that BPN of Ambon City was less careful and acted hastily in issuing SHM as part of the implementation of the Prona program. The lack of prudence taken by BPN led to an unlawful act with the issuance of dual certificates for the same land object. In addition to unlawful acts, there are indications of corruption, namely gratuities. Gratification is an act in which there is a gift to the disputing party to win or smooth the interests of one of the parties. Therefore, for parties who feel aggrieved by the issuance of the dual certificates, based on Article 3 and Article 4 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning Handling and Settlement of Land Cases, which provides a procedural basis in efforts to resolve land disputes at the administrative level, a complaint mechanism is available through the Head of the local Land Agency.

Although, in the case analyzed by the author, legal remedies have reached the Judicial Review (PK) stage and the decision has become legally binding (*Inkracht van gewijsde*), the Defendants are legally obliged to comply with and implement the contents of the decision. In the case of accountability by the Ambon City BPN, the actions taken were limited to the revocation of the Defendants' certificates, without any corrective action or further comprehensive administrative remedies. Referring to the provisions of Article 1 point (5) of the Regulation of the Minister of ATR/BPN Number 21 of 2020 concerning Handling and Settlement of Land Cases, BPN can take dispute resolution procedures through a complaint mechanism that allows parties who feel aggrieved, both as a result of legal products issued by the Ministry of ATR/BPN and as a result of control or claims of land ownership by other parties, to obtain administrative handling in accordance with provisions of laws and regulations (Sa'diyah & Aminah, 2024).

In the context of the case decision analyzed, both the Plaintiff and the Defendants have gone through all stages of the dispute resolution process through litigation. This process was marked by the issuance of the Ambon District Court Decision Number 134/Pdt.G/2019/PN Ambon, which was then upheld by the Ambon High Court Decision Number 22/PDT/2020/PT AMB as a form of testing at the appeal level. Furthermore, the case was resolved in a final and binding manner through a judicial review (PK) by the Supreme Court of the Republic of Indonesia, which resulted in Decision Number 458 PK/PDT/2021. The Supreme Court Decision has permanent legal force (*Inkracht van gewijsde*), which means that no other legal remedies can be filed against it. Thereby, juridically, the land ownership dispute has been resolved, and the legal position of the Plaintiff has been declared valid as the rightful owner of the disputed object based on this final and binding decision (Sa'diyah & Aminah, 2024).

In the decision analyzed by the author, it is known that the Defendants claimed to have suffered losses as a result of the issuance of a decision that has permanent legal force (*Inkracht*). These losses were not only material, such as the payment of Land and Building Tax (PBB) and other administrative expenses, but also immaterial, arising from the expectation of legal ownership based on agreements or legal documents previously issued by the Village Head and the National Land Agency (BPN). This caused a sense of injustice amongst the Defendants, especially as they felt that they had acted in accordance with the applicable procedures when obtaining the land rights.

However, if ordinary legal remedies such as appeals and judicial review have been taken, and the results are still not accepted by the aggrieved party, then there is still the possibility to file a lawsuit at the State Administrative Court (PTUN). The lawsuit can be directed against the administrative actions of public officials, such as the Village Head or BPN, who are considered to have issued decisions that harm the rights of citizens substantively or procedurally. This step is in accordance with the principle of due process of law and is a legitimate legal means to assess the legality of administrative actions in the context of state administration (Sa'diyah & Aminah, 2024).

Efforts to prevent the issuance of dual certificates cannot be done without optimizing the land administration system and preparing an accurate land registration map. Strengthening these two aspects is a strategic step in minimizing the potential for overlapping land rights. With the availability of a clear registration map and a well-organized land administration, errors in determining the boundaries of land parcels can be identified and corrected early (Sutedi, 2012).

In this regard, improvement through the digitization of land data is an integral part of the strategy to modernize land administration. One concrete form of digitization is the implementation of electronic certificates, which not only support the accuracy and efficiency of land data management, but also provide convenience in the process of proving and transferring land rights (Budianto, 2020). Through an integrated digital system, the potential for data duplication, document manipulation and administrative errors can be significantly minimized, thereby supporting the realization of a land system that is transparent, accountable and based on legal certainty (Hukum Online, 2024).

4. CONCLUSION

Based on the results of the research and analysis that the author has described, 2 (two) conclusions can be drawn:

1. Based on the case analyzed in this study, there has been maladministration by the National Land Agency (BPN), which is not in line with the principle of prudence as contained in the principle of security in the land registration system. In this case, BPN issued two SHMs for the same land object, which led to a land dispute in the form of dual certificates. The certificates in the names of Defendants 1 to 36 were issued in 2009 and 2017 under the Prona program, and the first registered certificate, SHM No. 296/Rumah Tiga in the name of the Late Calib Alzagladi, was issued on 9 September 1976 and was later renewed as SHM No. 2476/Rumah Tiga. The actions of the Ambon City BPN, as the Defendant, in issuing the certificate over the disputed object show that it has violated the general principles of good governance (AUPB). The actions of the Ambon City BPN can be categorized as a form of maladministration.
2. The existence of dual certificates for the same land parcel is a serious problem in the national land system which clearly creates legal uncertainty and can trigger disputes between right holders. Analysis of the Ambon District Court Decision No. 134/Pdt.G/2019/PN Ambon, High Court Decision No. 22/PDT/2020/PT.AMB, and Supreme Court Decision No. 458 PK/PDT/2021 shows that there is maladministration by the Ambon City BPN in implementing the principle of prudence. Cancellation of land rights certificates can be used as one of the legal instruments to restore legal certainty. This cancellation essentially also means cancellation of the land right itself, and it can be done if the recipient of the right does not meet the requirements as stipulated in the decision to grant the right, or if there is an administrative error in the decision letter issued by the authorized official. If ordinary legal remedies such as appeals and judicial review have been taken and

the results are still not accepted by the aggrieved party, then there is still the possibility to file a lawsuit at the State Administrative Court (PTUN).

Based on the description of the conclusions above, the author puts forward several suggestions as follows, namely the need for data updates in the form of digitization and increasing the accuracy of the land information system managed by BPN, especially through the electronic service platform on the official website <https://www.atrbpn.go.id/>. This update is important, so the public can easily access and verify the status of land ownership, including potential overlapping rights so as to support the creation of legal certainty in land activities.

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