



## Aspects of legal certainty of land declaration letters as guidelines for land registration with negative stelsel

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### Abstract

Indonesia adheres to a negative publication system in land registration activities, where the state does not guarantee the correctness of the data presented in the certificate. This briefly illustrates the condition that legal certainty is not guaranteed in land registration activities. Many people still think that the land statement they own is proof of ownership of land rights. The results of the analysis show that basically the negative publication system adopted by Indonesia is not a publication system that does not guarantee legal certainty. This is because the negative publication system does not apply forever. The negative publication system in Indonesia still adheres to positive elements, where the government will guarantee the correctness of the data presented after 5 years of the land being registered. These restrictions actually aim to provide legal protection for land owners, so that it is possible to file lawsuits by parties who feel entitled. This can be seen in land cases in the judicial process, such as the case of decision Number 161/Pdt.G/2022/PN Plk, where the Judge stated that the Land Declaration Letter was valid and had binding legal force in the name of Mr. Hari Damai Adam. Land Statement Letter Number: 140,594 /230/KL-MTG/PEM dated 12 March and Head of Jekan Raya District Register Number: 594.138/3692/PEM.IX/2016 dated 20 September 2016. This research uses normative research methods accompanied by primary legal materials and secondary legal materials. To answer legal issues by describing, examining, studying and explaining accurately and analyzing applicable laws and regulations as well as various opinions of legal experts, with the aim of getting answers to issues raised. A Land Declaration Letter is a letter issued by the sub-district as proof of land ownership before it becomes a Certificate.

**Keywords:** Land declaration letter, land registration, negative publication system

### Introduction

Land is a blessing and mercy from God Almighty to all society. So it is very necessary to manage land as well as possible so that its use can provide prosperity for the Indonesian people, in accordance with the mandate of Article 33 paragraph (3) of the 1945 Constitution. Daily human activities cannot be separated from the functions and benefits of land that can occur now. This (Heru, 2001) <sup>[7]</sup>. To realize the mandate of the 1945 Constitution, Law Number 5 of 1960 concerning Basic Agrarian Principles was issued. People who own land must know that the land they own has a social function as stated in Article 6 of the Basic Agrarian Law (UUPA) Number 5 of 1960. The land must not be neglected, meaning that the land must be worked on effectively so as not to cause problems. However, land disputes still occur a lot in people's lives, because in essence, everyone does not want something they own to fall into the hands of another person, especially since the object has already become someone's property (Sutedi, 2007) <sup>[17]</sup>. Therefore, to maintain ownership rights to land, the land must be registered. Because registering ownership rights to land is something that is absolutely necessary. If someone has registered their land (which then has a certificate of ownership) but someone is still disturbing the land, then what can be done is that the party who feels disadvantaged can resolve the problem through deliberation. Furthermore, if deliberations do not find a clear point, then the problem or dispute can be brought to court so that it can be processed fairly and can provide legal certainty to both parties.

Apart from that, in order to support the effectiveness of Law Number 5 of 1960, the government reissued Government Regulation Number 24 of 1997 concerning Land

Registration. This is because there are still many Indonesian people, especially in rural areas far from the land office, who still do not have land certificates. Not having a land certificate does not mean that people do not have legal proof of land ownership. However, the community in general is far from the land office, in this case the community chooses to prove the land using a Land Declaration Letter (SPT) issued by the Village Head/Lurah. The Land Certificate is issued by the local Village Head/Lurah. This is based on Government Regulation Number 24 of 1997 concerning Land Registration.

Declaration Letter includes the basis of rights which is generally used as a condition in the application process for issuing a land certificate by the National Land Agency (BPN). Land Declaration Letters are not regulated in detail in Indonesian law. Land Declaration Letters (SPT), which can be said to be proof of land ownership at a level below the Certificate, are still often issued by Subdistricts in managing ownership of land in Palangka Raya City, in terms of proof land ownership A Land Declaration Letter is sufficient to provide the basis for ownership of land. However, when combined with a Certificate, the Land Declaration Letter must really be checked for correctness. There are many cases of land disputes that occur between the Land Statement and the Certificate (Riza, 2023) <sup>[12]</sup>, then the case is won by the Certificate. On the other hand, there was also a case between the Land Declaration Letter and the Certificate but the Land Declaration Letter won. Basically, in deciding this matter, sufficient consideration is required by the judge to see which data can provide more evidence of the truth. Then the parties to the dispute must be able to explain the origin of the land and must also prove valid and trustworthy documents. From this explanation, this research

wants to focus on the legal certainty aspect of land declaration letters as a guide in registering land with a negative stelsel which is proof of the Declaration Letter. Land that is considered legally has and has binding legal force according to the Panel of Judges. This case is contained in dispute decision Number 161/Pdt.G/2022/PN Plk in Palangka Raya City, where the case was a Land Dispute between the Land Declaration Letter issued in 2012 and the Ownership Certificate Number 3844 issued in 2020, and won by Mr. Hari Damai Adam, the owner of the Land Declaration Letter.

Based on this explanation, the author is interested in conducting research regarding Land Declaration Letters. Based on the background description above, a problem to be studied can be formulated as follows: (1) What is the position of the Land Declaration Letter as a guide to land registration in the negative publication system? and (2) What are the legal consequences of a certificate of ownership that is declared to have "no legal force" by the District Court?

### Research methods

The type of research used in preparing this article is normative research. Where the approach taken is based on primary raw materials which examine theoretical matters relating to legal principles, legal conceptions, legal views and doctrines, regulations and legal systems using secondary data and then reviewing laws and court decisions (Soekanto, 2006) <sup>[16]</sup>. The research materials used are primary legal materials and secondary legal materials. Primary legal materials are the 1945 Constitution of the Republic of Indonesia, the Civil Code, Law Number 5 of 1960 concerning Basic Agrarian Principles, Government Regulation Number 24 of 1997 concerning Land Registration, Government Regulation Number 18 2021 concerning Management Rights, Land Rights, Flats, and Land Registration, Land Statement Letters, and Court Decisions 161/Pdt.G/2022/PN Plk.

The Secondary Legal materials consist of books, journals, scientific papers and interviews at the National Defense Agency Office in the city of Palangka Raya in the Dispute Control and Handling section (Fajar & Achmad, 2010) <sup>[6]</sup>. Then the data collection technique in this research was carried out using a library study of legal materials, both primary legal materials and secondary legal materials. The data analysis technique uses descriptive qualitative, which means analyzing by explaining or providing a description of the research subject and object based on the results of the research that has been carried out and finally formulating a conclusion from the existing problem.

### Research results and discussion

#### Position Case

Plaintiff Adam's Day of Peace owns a plot of land located on Jl. Ir. Soekarno, Menteng Village, Jekan Raya District, Palangka Raya City with Proof of Ownership in the form of a Land Declaration Letter (SPT) 2012 in the name: Adam's Day of Peace, which is an update of the Land Cultivation Statement dated 18 August 1995 which was acknowledged by Langkai Village Head Drs. Guliat T. Event in the name of Adam's Day of Peace with dimensions Length = 135 meters, Width = 20 meters, Area = 2,700 m<sup>2</sup>, becoming Length = 100 meters, Width = 20 meters, Area = 2,000 m<sup>2</sup>. The plaintiff argued that he always routinely cleaned,

maintained and built wire fences and planted plants and trees and even routinely paid all obligations for Land and Building Tax (PBB) to the Regional Government. Then, when the Plaintiff submitted an Application to obtain a Land Plot Map to Co-Defendant II, namely the National Land Agency (BPN) of Palangka Raya City, he was given an answer in which he informed the Plaintiff that the Plot Map submitted overlapped with the Certificate of Ownership No. 3846 in the name of Nasrullah BH Iskandar as Co-Defendant I (which has now been transferred to Nova Karyadi (Defendant I) based on Deed of Sale and Purchase Number 001/2020 dated 02 January 2020 made by Astri Putri Aprilla, SH., M.Kn as PPAT) and Certificate of Ownership No. 3844 in the name of Andi Muh Taufiq Hidayat as Defendant II. The land object of the dispute has now been built with a building in the form of an office by Defendant I.

Therefore, the Plaintiff filed a lawsuit to obtain proof of ownership of the Plaintiff's land, namely in the form of a 2012 Land Statement Letter (SPT) in the name of Hari Damai Adam (Plaintiff) which is an update of the Land Cultivation Statement Letter dated 18 August 1995 which was known by the Langkai Village Head. Drs. Guliat T. Ajang, in the name of Hari Damai Adam, was declared by the Panel of Judges at the Palangkaraya District Court to be legally binding, and that the Certificate of Ownership No. 3846 in the name of Nasrullah BH Iskandar as Co-Defendant I which has been transferred to Defendant I with Deed of Sale and Purchase Number: 001/2020 dated 02 January 2020 and Certificate of Ownership No. 3844 in the name of Andi Muh Taufiq Hidayat as Defendant II was declared invalid and did not have binding legal force. Regarding this case, the Panel of Judges at the Palangkaraya District Court granted the Plaintiff's lawsuit by giving a decision that the land as the object of the dispute above was based on Proof of Ownership, namely in the form of a 2012 Land Declaration Letter (SPT) in the name: Adam's Peace Day, which is an update of the Cultivating Statement Letter. Land on 18 August 1995 which was known by the Head of Langkai Village, Drs. Guliat T. Ajang in the name of Hari Damai Adam is legally owned by the Plaintiff, and states that Certificate of Ownership No. 3846 in the name of Nasrullah BH Iskandar as Co-Defendant I which has been transferred to Defendant I with Deed of Sale and Purchase Number: 001/2020 dated 02 January 2020 and Certificate of Ownership No. 3844 in the name of Andi Muh Taufiq Hidayat as Defendant II is invalid and has no binding legal force.

### Legal Certainty of Land Declaration Letter with Negative Stelsel

#### Land Declaration Letter

The Land Declaration Letter is a letter issued by the sub-district. Land Declaration Letter is land ownership whose level is below the title certificate. This Land Declaration Letter is needed in order to process other documents relating to land. Its function is as a complementary document or guide in the land registration process. The Land Declaration Letter is also used as proof of land ownership history. Land declaration letters are documents that are categorized as rights or juridical data on land which are used as a condition for completing the requirements for land rights applications (Online, 2017).

In Article 97 of the Government Regulation of the Republic of Indonesia Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration states “land certificates, compensation certificates, village certificates, and other similar things are intended as information on Land control and ownership issued by the village head/district head can only be used as a guide in the context of Land Registration”. The following are the main things contained in the Land Declaration Letter

1. The front page contains the KOP of the letter, including the name of the agency that issued the letter (Regency, District, Village), the name of the owner of the Land Declaration Letter, registration number, date of issue and postal code.
2. On the second page, there is the writing “Statement Letter for Handover of Land” which contains the handover of land made by the previous owner and then contains the signatures of both parties (the party receiving and the party handing over) using a stamp.
3. On the third page, there is a “Rough Drawing” or map.
4. On the fourth page, there is a “Declaration of the original owner of the land”.
5. On the fifth page, there is a “Statement Letter from the Head of RT”.
6. On the sixth page, there is a “Border Witness Statement Letter” which adjusts the right and left boundaries to see if there are other residents or if it borders a road or borders with empty land.
7. On the seventh page there is a “Letter of Statement of No Overlapping/No Disputes with Other Parties”.
8. Photocopy of the Identity Cards of the parties concerned.

Land Declaration Letters are privately written evidence whose evidentiary strength is not as strong as authentic deeds, however, because these Land Declaration Letters are documents that are categorized as the basis for rights or juridical data on land which are used as a condition for completing the requirements for applications for land rights as regulated in statutory provisions. -land legislation, in the explanation of Article 6 paragraph (1) which reads: “In the context of carrying out land registration as intended in Article 5, the task of implementing land registration is carried out by the Head of the Land Office, except for certain activities that are regulated by this Government Regulation or the law the invitation in question is assigned to another official.” It is further strengthened in the explanation of Article 6 paragraph (2) “in carrying out land registration, the Head of the Land Office is assisted by PPAT and other officials who are assigned to carry out certain activities according to this Government Regulation and the relevant laws and regulations.”

#### **Aspects of Legal Certainty Legal Certainty of Land Declaration Letters**

Normative legal certainty is when a regulation is created and promulgated with certainty because it regulates clearly and logically. Clear in the sense that it does not give rise to doubt (multiple interpretations) and is logical. It is clear in the sense that it forms a system of norms with other norms so that it does not clash or give rise to norm conflicts. Legal certainty refers to the application of law that is clear, permanent, consistent and consistent, the implementation of which cannot be influenced by subjective circumstances.

Certainty and justice are not just moral demands, but factually characterize the law. A law that is uncertain and unwilling to be fair is not just a bad law.

Legal certainty is a guarantee regarding the law containing justice. Norms that promote justice must truly function as rules that are obeyed. According to Gustav Radbruch, justice and legal certainty are permanent parts of the law. He believes that justice and legal certainty must be taken into account, legal certainty must be maintained for the sake of security and order in a country. Finally, positive law must always be obeyed. Based on the theory of legal certainty and the values to be achieved, namely the values of justice and happiness (Ali, 2002) <sup>[1]</sup>.

Conceptually, relations in the agrarian/land sector consist of two main aspects, namely the “control and ownership” aspect, relating to the legal relationship between humans and land and the “use and utilization” aspect discussing how land is used and exploited. This relationship is determined by the system of control, utilization and management of land and other natural resources, both recognized and not/ not yet recognized by applicable State law, which is often called the tenure system. In the tenure system, it is seen as a collection or series of rights (*tenure system is a bundle of rights*) which also contains the meaning of obligations (*obligations*). This is based on the reality on the ground which is often found, that land rights are multidimensional and multi-layered. It is not uncommon for different people or groups of people to have rights to the same piece of land. For example, in some customary land “ownership” systems, although there is an individual's right to “own” a plot of land, the individual does not have the right to transfer the land to another person freely without interference from the family and/or community where the land is located. Certain long-lived trees, for example, have certain ownership and use system rules which are sometimes not related to the ownership of the land where the tree is found.

Providing guarantees of legal certainty regarding land rights for the people as a whole is one of the main objectives of the UUPA which is no longer negotiable, so the law instructs the Government to carry out land registration throughout Indonesia which is *rechtskadaster*, meaning that it aims to guarantee legal certainty. and certainty of their rights. Article 19 of the UUPA has firmly mandated the Government that land registration be carried out in all regions of Indonesia, with the aim of achieving legal certainty. By registering land rights or granting land rights, all rights subjects are also given the authority to utilize the land according to its intended purpose. In this way, a guarantee of legal certainty will be created for the subject of the right regarding the ownership and use of the land in question (CST Kansil, 2010) <sup>[4]</sup>.

Guaranteeing legal certainty in the agrarian sector, especially in the land sector, requires certainty regarding: land rights, the subject of the rights, the land, and the law (Boedi Harsono; 1968). Certainty regarding the type of land rights or the status of the land is necessary, because for example, the price of land owned with freehold rights, which has an unlimited term, will be higher than land with lease rights; Certainty about who owns the land regarding the subject of their rights. Certainty regarding this matter is necessary because actions regarding land will basically only give rise to the desired legal consequences, if carried out by those who have the rights or subjects of land rights.

Certainty regarding the land being held in possession or regarding the object of the right, which is related to certainty about where the land is located, how large it is and what its boundaries are. It is easy to understand that people also want certainty regarding these matters, because not having certainty about their land will easily lead to disputes in the land sector. Finally, legal certainty, namely regarding the rules for knowing the authorities and obligations of those who own or control the land in question. Included in this understanding is the continuity of policy in implementing the rules themselves (Apriani, 2021) <sup>[2]</sup>.

In order to guarantee legal certainty over land in Indonesia, the Government has been instructed to carry out land registration throughout Indonesia. This is stated in the provisions of article 19 of the Basic Agrarian Law, namely Law Number 5 of 1960. Based on the regulation in question, the method or system for land registration in Indonesia is determined as much as possible to be adapted to customary law that is still in force, simple and understandable to the public (Rahardjo, 2012) <sup>[11]</sup>. Even though the Land Declaration Letter is not regulated in Government Regulation Number 24 of 1997 and is no longer required as one of the conditions for land registration, it is contained in Article 76A of the Minister of Agrarian and Land Regulation Number 16 of 2021 explaining that written evidence of former customary land is not valid. again after 5 (five) years of enactment of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flats and Land Registration. If this time period expires, written evidence of customary land ownership cannot be used as evidence to prove rights. However, in reality there are still many people who use Land Declaration Letters as written proof of land ownership. In fact, it is not uncommon to find buying and selling land transactions with proof of ownership only in the form of a Land Statement. Obtaining a Land Declaration Letter is not difficult because it only requires the testimony of several witnesses, the RT and the local village head knowing where the land object is located in order to issue a Land Declaration Letter (Atikah, 2021) <sup>[3]</sup>.

The Land Declaration Letter is the basis of rights which is the initial process for registering land at the National Land Agency for the issuance of a certificate. The Land Declaration Letter is a very important document. The Land Declaration Letter functions as proof of physical control if errors or incomplete proof of control are found. One of the physical evidence that is the basis for land ownership rights is a land statement. A land statement is a statement that confirms the history of land ownership. A Land Declaration Letter is a piece of written evidence that shows information about land ownership, made at the request or application of the community to the Subdistrict or Village Office where the land object is located and upon such request it is issued by the Subdistrict or Village as a requirement for the administration of the land registration process at the Land Agency National.

The Land Declaration Letter is also recognized in the rights ownership system by the Palangkaraya District Court in Case Decision Number 161/Pdt.G/2020/PN Plk. The judge decided to declare the Land Declaration Letter (SPT) in the name of Hari Damai Adam valid and legally binding, declaring 1 (one) plot of land with a length of 100 m, width: 20 m, area: 2,000 m<sup>2</sup> located on Jalan. Ir. Soekarno, Menteng Village, Jekan Raya District, Palangka Raya City.

Based on Proof of Ownership, namely in the form of a 2012 Land Statement Letter (SPT) in the name: Hari Damai Adam, which is an update of the Land Cultivation Statement Letter dated 18 August 1995 which was known by Langkai Village Head Drs. Guliat T. The event in the name of Adam's Day of Peace is legally owned by the Plaintiff. Declare Certificate of Ownership No. 3846 in the name of Nasrullah BH Iskandar as Co-Defendant I which has been transferred to Defendant I with Deed of Sale and Purchase Number: 001/2020 dated 02 January 2020 and Certificate of Ownership No. 3844 in the name of Andi Muh Taufiq Hidayat as Defendant II is invalid and has no binding legal force.

### Negative Publication System

In a negative publication system, the correctness of the data contained in land certificates is not guaranteed by the state. Land registration officers are passive. The officers did not identify the plot of land being registered to ensure who the owner had the most rights to the land to be registered. A land deed is only a tool for events or legal actions that are strong, but not absolute. Changes to transitions or legal events that occur on the land certificate must be re-deeded, and the owner of the land certificate must be active in registering the land to record these changes (Dimas, 2021) <sup>[5]</sup>.

Land certificates in this system are not strong as evidence. The state does not guarantee the contents of the juridical data and data contained in the land certificate because the land registration officer only accepts the deed given by the land owner. If the contents contained in the certificate are incorrect, changes can be made based on court decisions or applicable laws and regulations. In land registration in Indonesia, the positive publication system and the negative publication system are not used purely. Based on existing laws and regulations, the applicable publication system is negative which contains positive elements, this can be seen from the provisions of Article 19 paragraph (2) letter c UUPA, which states that registration includes "the provision of documents proving rights, which acts as a strong means of proof". Such a statement would not be contained in the registration regulations under a pure Negative Publication system (Parlindungan, 1999) <sup>[10]</sup>. Indonesia uses a Negative System with a Positive Tendency for land registration. This is based on the history of individual land ownership and the vast territory of Indonesia, which would be wrong and would not be recorded accurately and documented centrally if it only relied on the memories and testimony of witnesses who allow people or parties who believe their rights are stronger than those stated in the certificate. to confirm it in the District Court by filing a lawsuit (Nizam Zakka Arrizal, 2022) <sup>[8]</sup>.

### Legal Consequences of a Certificate of Ownership that is Declared to Have No Binding Legal Force by the District Court

The court decision is the final stage in the examination of the case in court. It is hoped that this decision will provide legal certainty and justice to the parties involved in the lawsuit. A judge's decision is a statement that the judge, as a State official who is authorized to do so, pronounces at a hearing and aims to end or resolve a case or dispute between the parties. Abdul Kadir Muhammad interprets a decision that already has permanent legal force as a decision that

according to the provisions of the law there is no longer an opportunity to use ordinary legal remedies to fight the decision. Court decisions that already have legal force still have 3 (three) legal forces, namely (Sartika, 2019) <sup>[15]</sup>

1. Binding strength
2. Strength of evidence and
3. Executorial power.

So it can be said, with a decision that already has permanent legal force, the possibility is closed for the parties to use ordinary legal remedies, namely appeal and cassation, to challenge the decision. Decisions that already have permanent legal force are themselves binding. What the judge decides is considered correct and the parties are obliged to comply with the decision. Article 1868 in conjunction with Article 1870 of the Civil Code states that the judge's decision is an authentic deed so that the judge's decision has perfect evidentiary power. The evidentiary power of a decision that has permanent legal force is the legal power given to a judge's decision that with this decision evidence has been obtained regarding the certainty of something (Wirawan, 2023) <sup>[18]</sup>.

In court decision number 161/Pdt.G/2022/PN Plk with its ruling stating Certificate of Ownership No. 3846 in the name of Nasrullah BH Iskandar as Co-Defendant I which has been transferred to Defendant I with Deed of Sale and Purchase Number: 001/2020 dated 02 January 2020 and Certificate of Ownership No. 3844 in the name of Andi Muh Taufiq Hidayat as Defendant II is invalid and has no binding legal force. Regulated in SEMA General Civil Number/2/SEMA 10 2020 "Civil judges do not have the authority to cancel certificates, but only have the authority to declare certificates as having no legal force, on the basis that they do not have a legal basis of rights. Cancellation of a certificate is an administrative action which is the authority of the state administrative court." In short, cancellation of a property rights certificate can be done in two ways, namely requesting cancellation from the Minister of ATR/BPN through the Land Office on the grounds that there was a legal error in the issuance process and through a lawsuit mechanism to the State Business High Court (PTUN). So, juridically, the legal status of the land title certificate as proof of land ownership of the defendants is annulled. The legal consequence of the certificate "not having binding legal force" is that the Plaintiff in this case as the winner of the case has the right to submit a request to the National Land Agency to have the certificate declared invalid/canceled and issue a new certificate in his name.

### Conclusion

The position of a Land Declaration Letter in the land law system in Indonesia is as a private deed which serves as a guide in the land registration process. Even though the UUPA only recognizes valid proof of land rights as a certificate, if the Land Declaration Letter can be proven to prove physical rights to the land and its juridical data then the Certificate is valid proof of ownership according to the Basic Agrarian Law and the final output issued by the Land Agency Nationally, after the land registration process is carried out to ensure legal certainty and legal protection for owners of land rights, it has the potential to be canceled by the Court. This is because Indonesia adheres to a negative publication system with a positive tendency. Although the Land Declaration Letter is a guide to the Land Registration

Process in the process of proving ownership of land rights, it is issued by the Subdistrict Office and signed by the Village Head who is given authority by the Government regarding the Land Declaration Letter. So it can be concluded that the Land Declaration Letter provides strong legal certainty in a legal state and has a strong legal standing as long as it meets the legal criteria.

According to the author, the decision of the Panel of Judges in Decision Number 161/Pdt.G/2022/PN Plk is in accordance with the provisions of the Law and the Civil Code by stating that the actions carried out by the Defendant are Unlawful and stating that the Land Ownership Certificate does not have permanent legal force. With the consideration that the Defendant has no right to the land based on Article 1365 of the Criminal Code, an Unlawful Act is: Every act that violates the law and causes loss to another person, requires the person who caused the loss through his fault to compensate for the loss. That the defendant could not prove ownership of the previous certificate where he had obtained it from, and could not provide further testimony, so the Panel of Judges granted the Plaintiff's lawsuit in part, stating that it was valid and had binding legal force. The Land Declaration Letter (SPT) in the name of Hari Damai Adam which was located on Jalan. Ir. Soekarno, Menteng Village, Jekan Raya District, Palangka Raya City. Based on proof of ownership, namely in the form of a 2012 land statement (SPT).

Regulations on the cancellation of legal products, one of which is a land title certificate, have actually been regulated in ATR/BPN Ministerial Regulation No. 11 of 2016 before being replaced by ATR/BPN Ministerial Regulation No. 21 of 2020. Based on Article 1 number 14 of the ATR/BPN Ministerial Regulation No. 21 of 2020, Cancellation is a decision that cancels a Legal Product due to administrative defects and/or juridical defects in its issuance or to implement a court decision that has obtained permanent legal force. Thus, cancellation of legal products consists of 2 (two) types, namely cancellation of legal products due to administrative defects and/or juridical defects and cancellation of legal products due to the implementation of court decisions that have permanent legal force. If a civil judge has declared a certificate to have no legal force, then the winner of the lawsuit must submit an annulment request to BPN to cancel the certificate based on the court's decision. The authority to make corrections to a State Administration decision in the land sector (certificate/Decree on Granting Land Rights), only rests with the Head of BPN. The follow-up to the implementation of a court decision that has permanent legal force regarding land plots that are declared null and void, do not have binding legal force and so on can be submitted for cancellation by the person who wins the case to the BPN. Cancellation of land title certificates is one of BPN authorities to provide legal certainty and justice regarding control, ownership, use and utilization of land as well as orderly land administration. Cancellation of a certificate based on a Court Decision that has permanent force can only be implemented if the legal product is issued by the Head of the Regional Office itself or the Head of the Land Office. Court decisions that have permanent legal force must be implemented by all parties, both parties to the case and related agencies.

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