



## Legal analysis of the implementation of land boundary and area determination in the issuance of land certificates

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### Abstract

Based on Article 17 paragraph (2), Article 18 paragraph (1) and Article 19 of Government Regulation No. 24/1997, it is explained that in order to obtain legal certainty, the implementation of the determination of boundaries and the area of the measured land must be attended by the interested parties, this application is called the principle of *contradictoire delimitatie*. However, in reality, the implementation of boundary demarcation did not apply the *principle of contradictoire delimitatie*. The measurement was only attended by the Village Head or the landowner's representative. The result is measurement errors in determining land boundaries and the emergence of multiple certificates. This study aims to analyse and explain the application of the *contradictoire delimitatie principle* in determining boundaries and land area in the issuance of land certificates, to examine and analyse the factors that cause the application of neighbouring boundary agreements not to be implemented, and to examine and analyse the legal responsibility of the Land Office for certificates of land rights that do not apply the *contradictoire delimitatie principle*. The type of research used is empirical juridical, using a legal sociology approach and a legal anthropology approach. The data sources in this research are primary data obtained from field research and secondary data obtained from library research.

**Keywords:** Boundary Determination, *Contradictoire Delimitatie* Principle, Land Office.

### Introduction

Human needs for land continue to increase day by day, along with the rapid development in all fields carried out. Land is very important for humans because almost every human need is related to land. Almost all human needs come from land, the relationship between humans and land is inseparable from the social function which means that land ownership is not individually but in groups in the form of land, springs around the land, or in plantation areas owned by individuals or groups <sup>[1]</sup>.

Land management has been regulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states "The land, water and natural resources contained therein shall be controlled by the state and utilised for the prosperity of the people."

Based on Article 33 paragraph (3), this state control right contains the authority for the state, which in this case is the government, to carry out land management in order to realise the greatest prosperity of the Indonesian people in the land law system, the state control right is then elaborated in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (which is abbreviated as UUPA) which is the legislation on land <sup>[2]</sup>.

In the context of structuring land related to the use, control and ownership of land rights registration is held to create legal certainty, the basis for land registration in Indonesia is Article 19 paragraph (1) of the UUPA as the basis for the implementation of land registration in Indonesia which states that to ensure legal certainty by the government, land registration is held throughout the territory of the Republic of Indonesia according to the provisions regulated by government regulations <sup>[3]</sup>.

Legal certainty over land ownership will be achieved if land registration has been carried out, because the purpose of

land registration is to provide guarantees of legal certainty and legal protection to holders of land rights, both certainty regarding the subject (ie what is the right, who is the owner, there is / is no burden on it) and certainty regarding the object, namely its location, boundaries and area, and there is / is no building / plant on it <sup>[4]</sup>.

The final product of land registration activities is a certificate of land rights, which has many functions for its owner, and its functions cannot be replaced with other objects. A land title certificate serves as a strong evidentiary tool. This is the most important function as mentioned in Article 19 paragraph (2) letter c of the UUPA. It will be easy for a person or legal entity to prove that it is the holder of a right to a parcel of land if its name is clearly indicated on the certificate." <sup>[5]</sup>.

The existence of a land title certificate proves that the land concerned has been registered with the Agrarian/Land Office. Complete data about the land concerned is stored in the Land Office, and can be easily found if needed at any time. This data is very important for planning development activities such as urban development, installation of irrigation pipes, telephone cables, collection of land and building taxes.

The implementation of land registration is carried out based on the principles of simple, safe, affordable, up-to-date and open so that the implementation of land registration activities which include land mapping and measurement is in accordance with the procedures and mechanisms regulated in Government Regulation Number 24 of 1997 concerning Land Registration and Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration.

One of the series of land registration activities is the measurement and determination of land boundaries carried out by measuring officers from the Land Office. Prior to the measurement of the land parcel, the measuring officer from the Land Office first determines the boundaries of the land parcel and the applicant puts up signs of the boundaries of the land requested to be registered. The determination of the boundaries of land that already has rights and will be registered for the first time is carried out through what is called the "*Contradictoire Delimitatie*" method, which is based on the designation by the holder of the land rights concerned and agreed by the holders of land rights that are adjacent <sup>[6]</sup>. These activities give rise to a picture that is formed based on information from the boundary instructions as the landowner who has installed stakes as a sign of the land boundary.

Article 17 paragraph (2) of Government Regulation No. 24/1997 on Land Registration explains that "In determining the boundaries of land parcels in systematic land registration and sporadic land registration, boundary arrangement is sought based on the agreement of the parties concerned". In determining the boundaries, the landowner and neighbouring landowners determine the land boundaries contradictorily, known as the *Contradictoire Delimitatie* principle. The presence of neighbouring boundary parties at the time of measurement is important in determining the size of the land with the aim of minimising boundary disputes between landowners in the future.

Article 19 paragraph (1) of Government Regulation No. 24/1997 explains "If in determining the boundaries of the land parcel as referred to in Article 18 paragraph (1) no agreement can be obtained between the holder of the land rights concerned and the holder of the adjacent land rights, the measurement of the land parcel shall be temporarily carried out based on the boundaries which in reality are the boundaries of the land parcel concerned."

Furthermore, Article 19 paragraph (2) of Government Regulation No. 24/1997 explains "If at the predetermined time the holder of the land rights concerned or the holders of adjacent land rights are not present after summoning, the measurement of the land parcel shall be temporarily carried out in accordance with the provisions referred to in paragraph (1)."

Based on the provisions of Article 17 paragraph (2), Article 19 paragraph (1) and Article 19 paragraph (2), it is explained that in order to obtain legal certainty, the application of the *Contradictoire Delimitatie* principle in the implementation of boundary demarcation must be agreed by the neighbouring parties. The implementation of boundary demarcation in more detail is regulated in Article 19 of Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 on Provisions for the Implementation of Government Regulation Number 24 of 1997.

Based on the measurement results that have been obtained, the Land Office will be the basis for making a measurement letter on the land certificate to be issued. However, in reality, the application of the *Contradictoire Delimitatie* principle is often ignored by the Land Office. Only the Village Head and the landowner's representative attend the measurement. As a result, there are several measurement errors in determining land boundaries and land area. This is also due to the clause in Article 19 paragraph (2) of Government Regulation No. 24 of 1997 which states that if

the holder of the bordering land rights is not present after summoning, it will be temporarily carried out in accordance with the provisions. This causes the *Contradictoire Delimitatie* principle to be considered unimportant. Whereas this form of principle must be implemented and is an important principle that will have an impact on the certainty of physical data.

1989, which shows an area of 8,041 m<sup>2</sup>, located in Timang Gajah Village, Bener Meriah District. The beginning of the difference in area was when the landowner wanted to split the land at the Land Office. After an overall measurement was carried out before the split, a different land area was obtained between the measurement results listed in the certificate and the results of the re-measurement at the time of the split, namely originally in the certificate listed an area of 8,041 m<sup>2</sup> to 10,178 m<sup>2</sup>. This difference shows that there is a difference of 2,137 m<sup>2</sup> which is not included in the certificate. The discovery of the difference in land area is then of particular concern to the landowner, because there is a considerable area that is not included in the area already on the certificate, so there is concern that losses or criminal efforts by certain parties to the land could occur if it is not immediately corrected properly. Another example is found in the decision of the Simpang Tiga Redelong District Court Number 7/Pdt.G/2019/PN Str which occurred on Certificate of Title Number 37 of 1986 and in the decision of the Simpang Tiga Redelong District Court Number 2/Pdt.G/2021/PN Str which occurred on Certificate of Title Number 12 of 2007. Based on the description of the problems above, it is interesting to conduct further research on "Legal Analysis of the Implementation of Determination of Boundaries and Land Area in the Issuance of Land Certificates".

### Research Method

This type of research uses empirical juridical, namely, research on the role of law enforcers in carrying out their functions, which discusses how the law works in society. The data used are primary data and secondary data. Data collection techniques using interview techniques and reviewing documents and laws related to this research. Furthermore, the data is processed and analysed with qualitative descriptive analysis techniques <sup>[7]</sup>. Based on the background above, the problem formulation in this research focuses on Legal Analysis of the Implementation of Determination of Boundaries and Land Area in the Issuance of Land Certificates.

### Result and Discussion

#### Implementation of Land Boundary and Area Determination in Accordance with Laws and Regulations

In order to realise the legal certainty of land rights, the Basic Agrarian Law orders that land registration be held throughout the territory of the Republic of Indonesia, both initiated by the government and based on individual community initiatives. Because basically land registration is carried out to ensure legal certainty, land registration is organised to meet the needs of the community and the government <sup>[8]</sup>. Land registration in order to ensure legal certainty and certainty of land rights is a *rechtskadaster* activity, the form of activities includes: measurement, mapping, and bookkeeping of land; registration of these

rights; and the provision of evidence of rights that apply as strong evidence.

Land Registration as mandated by Law No. 5 of 1960 Article 19 paragraph (2) "The registration referred to in paragraph (1) of this article includes:

- a. Measurement mapping and land bookkeeping;
- b. Registration of land rights and the transfer of such rights
- c. The granting of title deeds, which serve as strong evidence

Article 14 to Article 19 of Government Regulation No. 24 of 1997 as an improvement of Government Regulation No. 10 of 1961 states that in order to provide legal certainty and protection to the right holders, the legal certainty of the object must first be determined through the determination of the boundaries of the land parcel. The determination of physical data or the determination of land parcel ownership boundaries is regulated in Article 17 of Government Regulation No.24 of 1997 and is also based on the agreement of the parties <sup>[9]</sup>.

The implementation of land registration for the first time carried out by the National Land Agency at the Regency/City level is carried out through systematic land registration and sporadic land registration. Systematic land registration is carried out based on a work plan determined by the Minister while sporadic land registration is carried out at the request of interested parties. As stipulated in the second Annex of the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 1 of 2010 concerning Service Standards and Land Regulations, for the first time land registration sporadically or at the request of an interested party, the procedure must be fulfilled.

Based on the research conducted, Yusran as Head of the Rights Determination and Registration Section of the Bener Meriah District Land Office explained that the first registration carried out by the applicant begins with the applicant's preparation to submit an application by completing the files at the registration counter of the Bener Meriah Land Office. The forms that must be filled in by the applicant are based on information from the land office where the land object is located, including: <sup>[10]</sup>.

- a. Application letter to the head of the city/district land office
- b. Letter of physical possession and minutes of testimony of land parcels
- c. Declaration of having installed boundary markings
- d. Land certificate
- e. Conversion affirmation request letter
- f. Declaration letter accepting different areas and different boundaries

In addition to filling out the form above, the applicant must also include other requirements, namely: <sup>[11]</sup>.

- a. Power of Attorney (if authorised)
- b. Photo Copy of Identity Card (KTP)
- c. Photo Copy of Family Card (KK)
- d. Photo Copy of Land and Building Tax Deposit Letter (PBB)
- e. Proof of BPHTB Payment (verified by finance office)
- f. Proof of PPH Payment
- g. Land Title / Basic Letter

In essence, the activity of determining the boundaries of land parcels based on the agreement of interested parties in land registration is called the principle of *contradictoire delimitatie* in Indonesian called contradictory delimitation. The principle of contradictory delimitation is said to be a norm used in Land Registration by requiring holders of land rights to pay attention to the placement, determination and maintenance of land boundaries based on the agreement and consent of interested parties, which in this case is the owner of the land adjacent to the land he owns <sup>[12]</sup>.

In the context of the delimitation contradiction principle in boundary delimitation, legal certainty theory explains that normative legal certainty is when a regulation is made and promulgated because it regulates definitively and logically. Therefore, the application of the principle of delimitation contradiction in determining the boundaries and land area must be done correctly by taking into account the principles of legal certainty theory, so that legal certainty can be achieved.

Legal certainty theory emphasises the importance of certainty and order in law. In the context of land registration, this theory means that everyone should have legal certainty over their land ownership rights. This can be achieved by applying the principle of delimitation contradiction, which ensures that the boundaries of land registered at the Land Office are accurate and cannot be challenged by other parties. However, if the principle of delimitation contradiction is not applied, it results in legal uncertainty regarding the boundaries of land ownership. Without the application of the principle of delimitation contradiction, land boundaries may be established without the participation and consent of all bordering parties, making them vulnerable to future disputes and objections. Inaccuracies or vagueness in delimitation can lead to conflicts between adjacent landowners and complicate the dispute resolution process, undermining the stability and order that land registration is supposed to ensure. Therefore, to achieve strong legal certainty, land delimitation should always be conducted with the involvement of all bordering parties, ensuring that the delimitation is accurate and of undoubted validity.

During the land measurement process, Bagus Jaya Kesuma as the Measuring Officer revealed that there were still boundary neighbours who were not present to witness and give their consent directly at a predetermined time. The absence of boundary neighbours is often an obstacle in the implementation of land measurement and boundary determination. This causes the land registration process by the applicant to take longer to process <sup>[13]</sup>.

The absence of the boundary neighbour may be caused by certain factors that make the boundary neighbour unwilling to be present to witness the measurement and determination of the land boundary. If the absence of the boundary neighbour is due to a dispute and there is no agreement on the exact location of the boundary, the Land Office will make efforts to resolve the dispute by deliberation between the parties concerned. However, if the effort is unsuccessful within the stipulated time, the objecting party is notified in writing to file a lawsuit with the Court <sup>[14]</sup>.

Based on this set of procedures, it is important to establish the boundaries of the land to be measured before the measurement takes place, or at least to ensure that the measurement of the land parcel fulfils the principle of delimitation contradiction. When the principle of

contradictory delimitation is not applied, the process of delimiting the boundary is delayed, which has the effect of delaying the issuance of the land certificate. This is also contrary to the principles of land registration, which require land registration to be carried out quickly, efficiently and at low cost. The absence of boundary neighbours also adds to the complexity and time taken to complete the process, thereby defeating the purpose of the law to provide fast and affordable land services. In addition, failure to comply with the principle of delimitation contradiction can lead to problems, such as overlapping land boundaries between ownerships and the emergence of multiple certificates, which can be a potential source of future conflict between landowners. The delimitation and measurement of land boundaries is therefore a crucial step in ensuring the smoothness and legality of the entire land administration process. The implementation of the determination of boundaries and land area in the Bener Meriah District Land Office is viewed from the theory of the legal system, namely as follows:

### Legal Substance

In substance, the implementation of land boundary and area determination is regulated in Government Regulation No. 24/1997 on Land Registration. Article 19 of Government Regulation No. 24 of 1997 on Land Registration regulates the procedure for determining the boundaries of land parcels by emphasising the importance of the participation of adjacent landowners. However, the use of the word "endeavoured" in this article creates a contradiction, as it can be interpreted that the participation of adjacent landowners is an option, not an obligation. This has a significant impact on legal certainty and the implementation of the principle of *contradictoire delimitatie*. The active participation of all abutting parties is essential to ensure that the boundaries are accurate and mutually agreed upon, thereby avoiding future disputes. Conversely, the ease with which the Land Office can proceed with the delimitation process without the full consent of all boundary parties, under the pretext of speeding up the process, may undermine the obligation to have the relevant parties present.

### Legal Structure

The legal system, when viewed from its structure, is more directed at institutions (institutions) such as the legislature, executive and judiciary, how these institutions carry out their functions. Structure also means how many members sit as members of the legislature, what the president may or may not do, how law enforcement officers carry out their duties and others. In other words, it is the structural system that determines whether or not it can be implemented properly. The legal structure in this study is the measuring officer at the Bener Meriah District Land Office. Measuring officers in carrying out the measurement of land parcels need to pay attention to the basic principles of measuring land parcels in the context of implementing land registration in order to fulfil the technical rules of measurement and mapping so that the measured land parcels can be mapped and the location, boundaries and area on the map can be known and the boundaries can be reconstructed in the field.

### Legal Culture

Meanwhile, when viewed from a legal culture, it is more directed at community attitudes, community beliefs, values

adopted by the community and their ideas or expectations of the law and legal system. In this case the legal culture is a description of attitudes and behaviour towards the law, as well as the overall factors that determine how the legal system gets an appropriate place and can be accepted by citizens within the framework of community culture. The higher the legal awareness of the community, it will create a good legal culture and can change the mindset of the community so far. In simple terms, the level of community compliance with the law is one indicator of the functioning of the law. Based on observations, it shows that the legal culture of the community in maintaining the boundaries of land plots is still low. The determination of the location of the boundary is carried out by the landowner and the owners of the adjacent land in a contradictory manner known as the principle of contradiction. In reality in the field, land stakes are only temporary stakes. These temporary stakes are easily damaged or removed, which can lead to doubts about the landowner's land boundary or land parcel boundary issues. If the land has already been registered, a measurement to restore the boundaries of the land is carried out.

**Factors that Make the Application of Boundary Neighbour Agreement Unenforceable** The application of the *contradictoire delimitatie* principle can run well if the interested parties are present and give approval in determining boundary marks, but in reality it is different, the application of the *contradictoire delimitatie* principle experiences difficulties in the field, both in the implementation of sporadic and systematic land registration at the Bener Meriah District Land Office. The results of the research show that there are several difficult factors that cause the *contradictoire delimitatie* principle not to be implemented properly, namely:

#### 1. Neighbour Absence

The process of establishing and measuring land boundaries can be difficult if neighbouring landowners live outside the area and their addresses are unknown. This is exacerbated by limited access to communication with them <sup>[15]</sup>. Therefore, it is important for the Land Office to educate the community on the importance of their presence during land measurement. This is so that they understand that being present to determine land boundaries is very important to avoid disputes in the future.

#### 2. Dissatisfaction with limits

Neighbours often disagree with the boundaries proposed in the agreement. This dissatisfaction can arise because of different perceptions or memories of the actual land boundary. Juanda, the Reje of Timang Gajah village, observed that each party has a different view of where the boundary should be, often based on their own experience and knowledge of the history of the land. This can be a significant source of tension, especially if there is no clear and consistent documentation of the boundaries in question. Differences in historical understanding or documents held can also lead to dissatisfaction <sup>[16]</sup>.

#### 3. Internal Disputes Between Landowners and Boundary Neighbours

In the field, the principle of contradictory delimitation often fails to be implemented due to internal disagreements between the landowner and the bordering neighbour. Because

of this disagreement, the neighbouring parties refuse to sign the boundary declaration letter and the list of entries received from the Land Office. They also refused to attend the boundary demarcation exercise. As there was no agreement between the two parties, the measurement process could not be carried out due to this refusal, thus hampering the land registration process. If efforts to resolve the matter amicably through family deliberation are unsuccessful or cannot be implemented at the time of delimitation of the land parcel, a temporary boundary is determined based on the boundaries that actually constitute the boundary of the land parcel <sup>[17]</sup>.

#### 4. Land Not Fitted with Boundary Marks

The land measurement process can be carried out after all requirements have been met, including formal evidence of boundary markings. However, the reality in the field is that the boundary marks found do not always match those attached to the application. This shows that the Minutes of Boundary Mark Installation are often only used as a formal requirement. Some applicants only partially install boundary markings, use temporary boundary markings, or only install them at the visible corners of the land. <sup>[18]</sup>.

#### 5. Public Ignorance and Incomprehension

Lack of understanding or public awareness of the importance of the delimitation contradiction principle in land delimitation can also be an obstacle. The factor of non-implementation of the delimitation contradiction principle in the implementation of delimitation is a problem that often arises during the delimitation process. According to Juanda, the Reje of Timang Gajah Village, one of the main factors is the parties' lack of knowledge about the purpose and objectives of applying the principle of contradictory delimitation, which is to ensure that land delimitation is conducted fairly, accurately and transparently by involving the participation of all relevant parties, including landowners and boundary neighbours <sup>[19]</sup>.

#### 6. Abutting Landowner Unable to Attend Due to Out-of-Town Residence

The absence of the party whose land borders are located outside the city is a serious obstacle to the application of the principle of delimitation contradiction. This principle requires the presence of all abutting parties to express consent to the boundaries of the land being measured. When the abutting parties cannot be present, the landowner has difficulty in obtaining the necessary consent, which in turn hinders an accurate and legal land measurement and mapping process.

#### Forms of Legal Responsibility of the Land Office for Land Rights Certificates That Do Not Apply the Principle of *Contradictoire Delimitatie*

When the principle of delimitation contradiction is not fulfilled, this is called a measurement procedure error or not fulfilling one of the measurement procedures as mentioned in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia number 11 of 2016 concerning Settlement of Land Cases in Article 11 paragraph (3) letter a states that "Disputes or Conflicts that become the authority of the ministry as referred to in paragraph (2) include: (a)

Procedural errors in the process of measurement, mapping and/or area calculation;".

If a series of processes are proven not to be carried out in accordance with the rules, the legal consequences that will arise in relation to not carrying out the obligation to install land boundary marks or the implementation of the *Contradictoire Delimitatie* Principle are: <sup>[20]</sup>.

1. This will result in boundary disputes between one right holder and another adjacent right holder as a result of the absence of clear and correct boundaries,
2. This will result in boundary disputes between the heirs of the right holder and other right holders,
3. It will take a long time for the right holder to restore the boundaries of his land rights in the future as there are no clear and correct boundaries,
4. The lack of a clear and correct boundary will prevent the right holder from buying and selling.

Henry Bambang Setiawan, Acting Head of the Dispute Control and Handling Section of the Bener Meriah District Land Office, explained that when faced with a land dispute case, the Land Office first conducts an in-depth study to determine the appropriate method of settlement. If the results of the study indicate that there are certificates that are *deadlocked* and must be cancelled, the next step is to refer the case to the BPN Regional Office (Kanwil) through an official letter <sup>[21]</sup>.

Once the case has been transferred, the Regional Office of the BPN will issue a decree cancelling the certificate if it is less than five years old. This is the authority of the Regional Office of the BPN, which is one level above the Land Office (kantah). However, to date in Bener Meriah, there has been no case where the Regional Land Office has had to cancel a certificate, although this mechanism is in place to deal with serious land disputes. Thus, the responsibility for cancelling certificates lies with the Regional Office of the BPN, not the local Land Office.

In addition, Henry added that the Land Office is also responsible for providing an effective dispute resolution mechanism in the event of a dispute between bordering parties. This could be through non-litigation resolution such as mediation or settlement through appropriate legal channels to ensure that the rights of all parties involved are protected <sup>[22]</sup>.

In the case of differences in land area caused by possible negligence of officers in the process of granting and registering land rights, it can be subject to civil law liability. This is because the act is contrary to the legal obligations of the person who performs the act regarding other people's property and harms other people. This is in accordance with the provisions of Article 1365 and Article 1366 of the Civil Code. For clarity, the provisions are quoted. The provision of Article 1365 reads, "Every unlawful act, which causes loss to another, obliges the loss, to compensate for the loss." Then Article 1366 says, "Everyone is liable not only for losses caused by his actions, but also for losses caused by his negligence or lack of care."

Related to the case of negligence of officials is the existence of criminal offences in land law in the preparation of physical data and juridical data committed by several related parties such as the Head of the Land Office, sub-district head, and the person requesting the right, in the Criminal Code found provisions to capture the perpetrators of criminal offences in the field of land registration, among

others by using Article 423 Jo. Article 424 paragraph (1) of the Criminal Code and Article 55 of the Criminal Code on participation (*delneming*) Jo. Article 385 of the Criminal Code on fraudulent acts (*bedrog*). The meaning in the three articles is that an official who intends to benefit himself and other people who participate in helping to neglect the duties and authority of the official in using his power commits a criminal offence.

Furthermore, certificates that contain errors in the process/procedure can be regarded as administratively defective. Administrative defects are one of the reasons for the cancellation of a land title. This administrative defect is closely related to the physical and juridical data as written by the applicant on the land title application form when the application was first submitted. Before going to court, there are efforts that can be taken to cancel a land right, if someone feels that there is an administrative defect in its issuance. As stated in the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency No. 9/1999 Article 106 paragraph (1) in conjunction with Article 119, "A decision to cancel a land right due to an administrative defect in its issuance may be made at the request of an interested party or by an authorised official without a request" (Article 106 paragraph (1)). Cancellation of a land right by an authorised officer is carried out when an administrative legal defect is discovered in the process of issuing the decision to grant the right or the certificate in the absence of an application" (Article 119) <sup>[23]</sup>.

Therefore, anyone who feels aggrieved by the issuance of a land rights certificate, and who considers the issuance to be an administrative legal defect, may apply for cancellation. Cancellation of a land right due to an administrative defect in the issuance of the decision to grant a land right or the issuance of the certificate can be done by way of an application for cancellation of the land right from an interested party or in the absence of an application for cancellation in advance carried out by an authorised official (in this case the issuer of the land right certificate, namely the Land Office). Cancellation of a land right by an authorised officer is carried out when an administrative defect is identified in the process of issuing a decision to grant a land right or issuing a land certificate in the absence of a request from an interested party <sup>[24]</sup>.

### Conclusion

In the process of land registration, the measurement and delimitation of land parcels is carried out first. This stage is carried out by fulfilling the principle of delimitation contradiction. In reality, there is still the absence of neighbouring boundary parties during the determination of boundaries and land area which causes obstacles in its implementation, so that the application of the principle of delimitation contradiction is ignored by the land office.

Factors that prevented the application of the boundary neighbour agreement include the absence of the boundary neighbour, dissatisfaction with the boundary, internal disputes between the landowner and the boundary neighbour, the land not being staked, and community ignorance or lack of understanding.

Certificates issued without applying the principle of delimitation contradiction have the potential to contain administrative defects. This makes the Land Office liable for certificates that contain administrative defects due to errors in the process/procedure. The Land Office is

responsible for resolving disputes over certificates that contain juridical defects, and rights holders may also be liable under civil law, criminal law and state administrative law.

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