

**THE ROLE OF LAND DEED OFFICIALS IN EFFORTS TO PREVENT THE ARISE OF
MULTIPLE CERTIFICATES****(Case Study on Court Decision Number 02/PDT.G/2013/PN.ADL)****Zhona Washilatul Khasanah**Fakultas Hukum, Universitas Muhammadiyah Surakarta
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niami2002skripsi@gmail.com**ABSTRAK**

Penelitian ini bertujuan untuk menganalisis peran Pejabat Pembuat Akta Tanah (PPAT) dalam upaya mencegah terjadinya sertifikat ganda, dengan studi kasus pada Putusan Pengadilan Nomor 02/PDT.G/2013/PN.ADL. Latar belakang penelitian ini didasarkan pada tingginya kasus sengketa pertanahan di Indonesia yang disebabkan oleh penerbitan sertifikat ganda. Sertifikat ganda menimbulkan ketidakpastian hukum dan dapat merugikan berbagai pihak. PPAT memiliki peran strategis dalam memastikan keabsahan dokumen dan legalitas setiap transaksi tanah agar terhindar dari permasalahan tersebut. Penelitian ini menggunakan metode normatif yuridis dengan pendekatan deskriptif-analitis. Data diperoleh dari studi pustaka yang melibatkan peraturan perundang-undangan terkait, seperti Undang-Undang Nomor 5 Tahun 1960 tentang Pokok-Pokok Agraria dan Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah. Selain itu, dilakukan analisis terhadap putusan pengadilan untuk memahami dinamika peran PPAT dalam mencegah sertifikat ganda. Hasil penelitian menunjukkan bahwa PPAT berperan penting dalam melakukan verifikasi dokumen, memastikan keabsahan data kepemilikan tanah, serta mencegah terjadinya duplikasi sertifikat melalui koordinasi dengan Badan Pertanahan Nasional (BPN). Namun, hambatan seperti keterbatasan akses data pertanahan yang akurat dan lemahnya pengawasan internal masih menjadi tantangan. Diperlukan peningkatan kompetensi PPAT dan penguatan sistem administrasi pertanahan untuk meminimalisir risiko penerbitan sertifikat ganda di masa mendatang.

Kata kunci : *PPAT, Sertifikat Ganda, Kepastian Hukum, Pendaftaran Tanah.*

ABSTRACT

This study aims to analyze the role of the Land Deed Official (PPAT) in preventing the issuance of double certificates, with a case study on Court Decision Number 02/PDT.G/2013/PN.ADL. The background of this research is based on the high number of land disputes in Indonesia caused by the issuance of double certificates. Double certificates create legal uncertainty and can harm various parties. PPAT plays a strategic role in ensuring the validity of documents and the legality of each land transaction to avoid such issues. This research uses a normative juridical method with a descriptive-analytical approach. Data were obtained from literature studies involving relevant laws and regulations, such as Law Number 5 of 1960 concerning Basic Agrarian Principles and Government Regulation Number 24 of 1997 concerning Land Registration. In addition, court decisions were analyzed to understand the dynamics of PPAT's role in preventing double certificates. The results show that PPAT plays an important role in verifying documents, ensuring the validity of land ownership data, and preventing duplicate certificates through coordination with the National Land Agency (BPN). However, challenges such as limited access to remain accurate land data and weak internal supervision obstacles. It is necessary to improve PPAT's competence and strengthen the land administration system to minimize the risk of double certificate issuance in the future.

Keywords:*PPAT, Double Certificate, Legal Certainty, Land Registration.*

INTRODUCTION

The land law system in Indonesia is based on the Basic Agrarian Law (UUPA) Number 5 of 1960, which was designed to provide legal certainty regarding land rights. Islamic law in land is based on the principles of justice, honesty, and protection of rights, as stated in Surah Al-Baqarah verse 282, which orders the recording of transactions to prevent disputes:

God bless you God bless you بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ وَلَا يَأْبَ كَاتِبٌ أَنْ يَكْتُبَ أَنْ يَكْتُبَ God bless you عَلَيْهِ God willing
 وَأَمْرًا لِمَنْ تَرْضَوْنَ مِنْ فَلْيَمْلِكْ وَلِيْلَهُ بِالْعَدْلِ وَاسْتَشْهِدُوا شَهِيدَيْنِ مِنْ أَوْ God willing
 وَيَأْبَ الشُّهَدَاءُ إِذَا مَا دُعُوا وَلَا تَسْمُوا أَنْ تَضِلَّ الشُّهَدَاءُ أَنْ تَضِلَّ God willing, God willing, God
 وَأَشْهِدُوا إِذَا تَبَايَعْتُمْ وَلَا يُضَارَّ ذَلِكُمْ أَقْسَطُ عِنْدَ اللَّهِ وَأَدْنَى God willing God willing
 بِكُلِّ شَيْءٍ عَلَيْكُمْ ۗ وَلَا شَهِيدٌ وَإِنْ تَفَعَّلُوا فَإِنَّهُ فَسُوقٌ بِكُمْ وَاتَّقُوا اللَّهَ وَيُعَلِّمُكُمْ God willing ﴿١٨٨﴾

"O you who believe, if you owe a debt for the specified time, you should write it down. Let a recorder among you write it down correctly. Let not the recorder refuse to write it down as Allah has taught him. Let him record (it) and the person who owes it dictate (it). Let him fear Allah, his Lord, and let him not reduce it in the slightest. If the debtor is a person who lacks intelligence, is weak (in condition), or if you are not able to dictate it yourself, let the guardian dictate it correctly. Ask for the testimony of two male witnesses among you. If there are no (female witnesses), (perhaps) a man and two women among the people you like from the (existing) witnesses, so that if one (female witness) forgets, the other witnesses should not refuse when called that's big it is more just in the sight of Allah, more able to strengthen testimony, and brings you closer to no doubt, unless it is a cash business that you carry out between yourselves. So, there is no sin for you if you do not record it. Take witnesses when you buy and sell and don't let the recorder make things difficult (or made difficult), as well as the witnesses. If you do (that), indeed it is an act of disobedience to you. Fear Allah, Allah teaches you and Allah knows all things."

This principle emphasizes the importance of written evidence in land transactions to maintain clarity of rights and obligations. Islam also prohibits the taking of rights illegally, in accordance with the word of Allah in (QS. Al-Baqarah: 188):

God bless you وَتُدُلُّوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ God willing

"Do not eat the wealth between you in a false way and (do not) bring (the affairs of) the property to the judges with the intention that you can consume some of other people's wealth in a sinful way, even though you know."

This word of God, strengthens the need for honesty in land management. One of the most important legal evidence in this land system is the land certificate, issued by the National Land Agency (BPN) (1). Land certificates function as legal evidence of ownership or rights to land, which is required in every sale and purchase transaction or transfer of land rights. However, in practice, it is not uncommon for the problem of double certificates to arise, which often triggers land disputes. Double certificates are a condition in which two or more certificates are issued for the same plot of land, with different owner names (2). This can cause conflict and legal uncertainty.

The problem of duplicate certificates can be caused by various factors, both technically and administratively. Measurement errors, data inaccuracies, or negligence in the land registration process at the BPN are some of the technical factors that often trigger the issuance of duplicate certificates. On the other hand, the public's ignorance of land registration procedures and the potential for misappropriation by related parties, including certain Land Deed Officials (PPAT), also contribute to the emergence of this problem. PPAT plays an important role in ensuring that every land transaction runs in accordance with applicable legal provisions, so as to prevent the emergence of duplicate certificates that are detrimental to the parties involved (3).

The duties of the Land Deed Official (PPAT) are in line with the command of the Qur'an which recommends recording transactions to prevent disputes in the future. This refers to Surah Al-Baqarah verse 282, this verse emphasizes the importance of recording agreements or transactions to maintain clarity of the rights and obligations of each party. In the context of PPAT, the creation of land deeds is a real form of implementation of this command, because the deed functions as a legal document that protects ownership rights and becomes authentic evidence in the event of a dispute. In addition, in carrying out its duties, PPAT must comply with the principles of honesty and justice which are also the core of this verse. Thus, the implementation of PPAT's duties not only supports state law, but also in accordance with the guidance of Islamic law.

The Land Deed Making Officer (PPAT) has the responsibility in every transaction related to the transfer of land rights, as regulated in Article 1868 of the Civil Code (KUHPerdata), which states that authentic deeds can only be made by authorized officials. In this context, the PPAT is tasked with verifying the validity of documents, ensuring the legal status of the land, and guaranteeing that the land that is the object of the transaction is not in dispute or registered with another certificate (4). The PPAT must also ensure that the entire process runs in accordance with the procedures stipulated in Government Regulation No. 24 of 1997 concerning Land Registration, which is the legal basis for the land registration process in Indonesia.

However, it is not uncommon for PPATs to face challenges in carrying out their duties. For example, limited access to accurate and up-to-date land data from the BPN is often a major obstacle. This results in potential errors in document verification, which ultimately allows for the issuance of duplicate certificates. In addition, the inaccuracy of PPATs in checking land data, as well as the potential for deviations from professional ethics, can worsen this problem (5). Therefore, supervision and improvement of PPAT performance are needed to minimize the risk of issuing duplicate certificates that can harm various parties.

Nationally, data on cases of duplicate certificates show significant fluctuations from year to year. In 2006, the National Land Agency (BPN) recorded 2,810 cases of duplicate certificates. This figure increased drastically in 2007 to 7,491 cases, consisting of 4,581 disputes, 858 conflicts, and 2,052 cases. However, in 2010, the number of cases was recorded to have decreased to 47 cases of duplicate certificates, with an additional 148 overlapping cases. This data reflects the importance of increasing the accuracy of land administration and supervision in the certificate issuance process to prevent duplication.

In some cases, double certificates are not only caused by administrative negligence, but also by legal loopholes exploited by certain parties. For example, the case recorded in decision Number 02/PDT.G/2013/PN.ADL at the Andoolo District Court illustrates how double certificates can cause complex land ownership disputes. In this case, the plaintiff, Lisnawati, claimed ownership of a plot of land that had been inherited from her father, Laembo, and obtained a certificate of ownership of the land. However, without the plaintiff's knowledge, defendant I, Ivo La Bara, obtained the same land certificate and carried out a land sale and

purchase transaction with other parties, namely defendant II, Frans Delu, and defendant III, Afandi Wijaya.

Lisnawati's case shows that failure to verify land certificates can trigger prolonged disputes. As an heir, Lisnawati tried to defend her rights to inherited land, but Defendant I managed to obtain a certificate that was allegedly legally flawed in 1993. Defendants II and III are also suspected of committing unlawful acts by trading land that had been certified in the name of the plaintiff. The role of PPAT is in the spotlight because they have an obligation to verify the validity of land certificates before transactions. Article 32 of PP No. 24 of 1997 emphasizes that land certificates are strong evidence, but not the only one in land disputes, so PPAT must ensure the validity of the data to prevent duplicate certificates. Failure to verify has the potential to cause serious legal implications, as happened in Andoolo, where the plaintiff had to go through the courts to cancel a certificate that was issued illegally. Therefore, strengthening the role of PPAT through increasing professional capacity and improving the land administration system at the BPN is very necessary to prevent similar disputes in the future.

Based on the description of the discussion, the research was conducted with the aim of examining the role of PPAT in preventing the emergence of duplicate certificates, by using the Lisnawati case as a case study to understand how duplicate certificates can occur and what the role of PPAT is in the situation. Thus, the researcher created the title of the research, namely: "THE ROLE OF LAND DEED OFFICIALS IN EFFORTS TO PREVENT THE ARISE OF DUPLICATE CERTIFICATES (Case Study on Court Decision Number 02/PDT.G/2013/PN.ADL)".

METHOD/IDEA

The research method used in this study is the normative legal method with a descriptive-analytical approach. The normative legal approach emphasizes the study of applicable legal norms, including analysis of laws, regulations, and legal doctrines related to the prevention of dual certificates. This study analyzes Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) and Government Regulation Number 24 of 1997 concerning Land

Registration (6). In addition, this study discusses the responsibilities of the Land Deed Making Officer (PPAT) in each stage of the land transaction process based on a study of relevant legislation and court decisions.

The type of research used is descriptive-analytical, which aims to provide a comprehensive picture of the role of PPAT in preventing the occurrence of duplicate certificates and identifying problems and solutions that can be applied. The data sources for this research consist of primary, secondary, and tertiary legal materials, which are collected through literature studies. Data collection techniques are carried out through a review of various laws and regulations, scientific journals, and court decisions related to cases of duplicate certificates (7). The data analysis technique used is qualitative normative analysis, which focuses on the interpretation of legal regulations and court decisions in order to understand the role of PPAT in preventing the issuance of duplicate certificates. The analysis is carried out by reviewing the legal principles underlying the role of PPAT and evaluating how existing regulations are applied in practice in order to produce appropriate recommendations for improving the land administration system in Indonesia.

RESULTS AND DISCUSSION

Land certificates are authentic proof of ownership that is legally recognized and have an important role in ensuring certainty of land rights in Indonesia. However, in practice, there are often problems with the issuance of double certificates which cause ownership disputes. This phenomenon not only harms the individuals concerned but also creates legal uncertainty in the land sector (8). The issuance of double certificates is often triggered by weaknesses in the land administration system, maladministration practices, and lack of supervision of the land registration process (9).

In this study, the case analyzed is Court Decision Number 02/PDT.G/2013/PN.ADL which is a concrete example of how dual certificates can occur and lead to legal disputes. Through this case study, the study highlights various factors that cause the emergence of dual certificates, the role of Land Deed Officials (PPAT) in overcoming this problem and the

obstacles they face in carrying out their duties (10). By understanding more deeply the roots of this problem, more effective solutions can be proposed to improve transparency and accuracy in the land system in Indonesia.

Causes of Duplicate Certificates

Duplicate certificates are a serious problem in land administration which results in legal uncertainty (11). This study found several main factors that caused the issuance of duplicate certificates in the case of Court Decision Number 02/PDT.G/2013/PN.ADL, namely:

- a. The discrepancy between the initial ownership documents and the certificates issued later resulted in overlapping land rights.
- b. A sale and purchase transaction occurs based on a document of questionable validity, resulting in a legal defect in the certificate issued.
- c. The National Land Agency (BPN) failed to carry out thorough verification before issuing certificates, resulting in duplicate ownership.
- d. It was found that there was forgery of signatures and documents in the process of transferring rights which is contrary to the principle of legal validity.
- e. Changes in village administrative boundaries cause unclear land status, thus potentially giving rise to duplicate certificates.

The Role of Land Deed Officials (PPAT) in Preventing Duplicate Certificates

PPAT has a strategic role in ensuring the validity of land transactions and preventing the emergence of duplicate certificates. The main role of PPAT in this study includes (12):

- a. PPAT is responsible for checking the validity of the certificate and ensuring that the land ownership documents are in accordance with the official records at the BPN.
- b. Conduct historical checks on land ownership to detect any disputes or potential duplicate certificates.
- c. PPAT must work together with the BPN and local government to ensure the legality of land certificates before transactions are carried out.
- d. PPAT must ensure that all land transaction procedures are carried out legally and legitimately to avoid potential disputes.

Obstacles and Efforts to Overcome Dual Certificates

Despite having an important role, PPAT faces various challenges in carrying out its duties, including (13):

- a. The land registration system which is not yet fully integrated makes it difficult for PPATs to check certificates.
- b. There are still legal loopholes that allow maladministration practices to occur in issuing certificates.
- c. Many people do not understand the legal procedures for land ownership and transactions, making them vulnerable to becoming victims of fraud.

To overcome these obstacles, several strategic steps are required, namely:

- a. Implementation of an electronic-based land information system to improve data accuracy and transparency
- b. Regular research and strict supervision of PPAT performance to ensure professionalism in carrying out their duties.
- c. Education regarding the importance of legal land documents to prevent buying and selling practices that risk creating duplicate certificates.

The problem of double certificates is the impact of a weak land administration system that has not been fully integrated. Inconsistencies in land ownership records often become loopholes for the emergence of ownership conflicts, especially when there is regional expansion or land transactions that are not clearly documented (14). The role of PPAT in verification and coordination with the BPN is very crucial in ensuring that every land transaction has met applicable legal standards. However, the practice of document manipulation carried out by irresponsible parties is still a major challenge in preventing double certificates.

Duplicate certificates reflect the lack of supervision from related agencies, especially in the process of issuing land ownership documents (15). BPN should have a stricter mechanism in checking documents and land ownership history before issuing new certificates. Inaccuracy in data validation often causes conflicts that end in legal disputes, such as what happened in Court Decision Number 02/PDT.G/2013/PN.ADL. Therefore, more structured policies and

strengthening of regulations are needed to avoid similar cases from happening again in the future.

In terms of solutions, digitizing the land system is the most effective step in preventing duplicate certificates. An electronic-based land registration system will allow faster and more accurate data access, thereby minimizing the potential for duplication of ownership documents. In addition, increasing the competence and integrity of PPAT must also be encouraged through regular training and stricter enforcement of the code of ethics. With comprehensive strategic steps, it is hoped that a more transparent and accountable land system can be created to ensure legal certainty for all parties involved.

CONCLUSION AND SUGGESTION

Conclusion

Based on the discussion above, it can be concluded that the problem of dual certificates in the land administration system in Indonesia is caused by weaknesses in document verification, maladministration practices, and lack of supervision from related agencies, such as the BPN. The case study of Court Decision Number 02/PDT.G/2013/PN.ADL shows that inconsistencies in ownership records, document falsification, and lack of transparency in land transactions are the main factors that trigger ownership disputes. PPAT has a strategic role in ensuring the validity of land transactions, but still faces obstacles due to a recording system that is not yet well integrated. Therefore, strategic steps are needed such as digitalization of the electronic-based land system, strengthening regulations, and increasing the competence of PPAT in order to create a more accurate, transparent, and accountable land system to ensure legal certainty for all parties involved.

Suggestion

To overcome the problem of dual certificates, strategic steps are needed, such as digitizing land data to increase the accuracy and transparency of ownership information. In addition, increasing the capacity of PPAT through routine training and competency certification is important so that document verification and validation of land ownership can be carried out

more carefully. Strengthening supervision of the land certificate issuance process also needs to be done to prevent document manipulation and procedural violations. Synergy between BPN, PPAT, and local governments must be improved so that the land administration system is more integrated and effective in ensuring legal certainty for the community.

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