

Implementation of the Contradictory Delimitation Principle in the Transfer of Land Rights Through Sale and Purchase in Denpasar City

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ABSTRACT

This study analyzes the implementation of the contradictory delimitation principle in the transfer of land rights through sale and purchase in Denpasar City and formulates solutions to problems arising when the principle is not optimally applied. This empirical legal study employs statutory, conceptual, and empirical-juridical approaches. Data were collected through interviews with Land Office officials, Land Deed Officials (PPAT), sellers, and buyers, supported by observation, documentation, and a literature review, and were analyzed qualitatively. The findings show that re-measurement is not automatically conducted for every certified parcel. The contradictory delimitation principle is activated as a corrective mechanism when certificate verification, plotting verification, or field inspection raises doubts about the parcel's location, area, shape, or boundaries. Its applications include installing boundary markers, involving adjoining landowners, conducting measurements or boundary re-establishment, and updating land data. The principal obstacles are difficulties in securing the attendance of adjoining landowners, missing boundary markers, discrepancies in physical data, time and cost constraints, and limited public understanding of the process. An appropriate resolution follows a staged mechanism: pre-deed prevention, deliberation, remeasurement, boundary re-establishment, land mediation, data updating, and litigation as a last resort.

Keywords: Contradictory Delimitation Principle, Land Sale and Purchase, Legal Certainty, Transfer of Rights, Land Deed Official

INTRODUCTION

Land is not only a living space but also an investment asset, a source of livelihood, and the basis for various social relations. Accordingly, legal certainty over land rights cannot be limited to the registered rights-holder and the type of right. It must also extend to the object of the right in concrete terms: where the parcel is located, its area, shape, and the extent of its boundaries. Law Number 5 of 1960 positions land registration as an instrument for guaranteeing legal certainty, while Government Regulation Number 24 of 1997 links that certainty to the collection, processing, recording, presentation, and maintenance of physical and legal data. Therefore, a land certificate derives its evidentiary strength not from the document in isolation but from the expectation that the data it contains accurately represent the parcel's legal and physical conditions.

This issue becomes more acute when land rights are transferred through sale and purchase. A buyer pays not merely to obtain a document or the status of a rights holder but to take possession of a specific parcel of land. A Deed of Sale and Purchase drawn up by a Land Deed Official (PPAT) proves the legal act of transfer, but the transaction's practical effectiveness still depends on certainty regarding its object. Differences in area, missing boundary markers, changes in parcel shape, or claims by adjoining landowners may render an administratively transferred object factually uncertain. Puspadma, together with Maharani and Astiti, emphasizes the position of the PPAT deed as the basis for registering the transfer of rights and as

an instrument for ensuring order and certainty in land sale and purchase transactions (Maharani, Puspadma, & Astiti, 2023). Therefore, the quality of the pre-deed examination must be inseparable from the quality of the parcel's physical data.

The contradictory delimitation principle provides a basis for preventing unilateral boundary determinations. Its core requirement is that parcel boundaries be indicated by the rights-holder and agreed upon by adjoining landowners before being recorded through measurement and mapping. Martono, Aditya, Subaryono, and Nugroho (2021) demonstrate that boundary determination in the Indonesian cadastre contains legal elements distinct from the technical act of measurement: the person who indicates the boundary, the consent of adjoining owners, and the presence of boundary markers are legal elements that determine the reliability of a registered parcel. This finding is important because spatial data errors do not always originate from measuring instruments; they may arise from a socio-legal process that fails to establish who is authorized to indicate and approve the boundary.

The digitalization of land administration accelerates data verification and maintenance; however, it does not resolve questions of material accuracy. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2023 permits the issuance of electronic documents for initial registration, data maintenance, recording of changes, and media conversion. However, digital data are only as reliable as the data entered and verified. Aditya et al. (2021) found that incomplete documentation, limited participation by rights-holders, and sporadic validation may perpetuate insecurity in certificates, even when mapping processes have been digitalized. Napitupulu (2024), writing in *Jurnal Smart Hukum*, likewise identifies security and public outreach as prerequisites for the electrification of certificates to produce genuine legal certainty. Therefore, the digital transformation should be treated as a means of strengthening, rather than replacing, consent-based boundary verification.

Denpasar City provides an important context for examining this relationship. Dense parcel patterns, high transaction intensity, changes in land use, and high economic value imply that even minor boundary discrepancies may have substantial economic consequences. The research data show that the Denpasar City Land Office received 601 parcel measurement applications between January and April of 2026. The study also identified transactional experiences in which buyers became aware of discrepancies in the area only after the sale and purchase had been completed and field measurements were conducted. These circumstances demonstrate that the existence of a land certificate and a Deed of Sale and Purchase does not invariably eliminate the risk of divergence between administrative representation and physical possession.

Previous studies have examined the contradictory delimitation principle in the context of initial registration or measurement. Palenewen and Rongalaha (2021) highlighted its implementation at the Jayapura City Land Office, and Supriyanti, Ardhi, and Mahasari (2023) examined its regulation and application in Kebumen Regency. Supadno, Junarto, and Mujiati (2023) emphasized the installation of boundary markers to mitigate land-related problems. Other studies have focused more extensively on electronic certificates, the responsibility of the National Land Agency for discrepancies in physical data, or the role of PPAT in service transformation (Farahzita & Arsin, 2022; Saputri, Aswadi, & Mauludin, 2024). Although this literature clarifies the elements and challenges of land registration, it has not specifically explained how the contradictory delimitation principle operates throughout the chain of land-rights transfer by sale and purchase: from pre-deed examination and the decision as to whether remeasurement is necessary, to the division of responsibilities between PPAT and the Land Office, and the restoration of data following a dispute.

This gap is particularly significant because, in practice, not every certified parcel is remeasured before being sold. An approach requiring remeasurement for every transaction would be difficult to implement and is not always necessary, whereas an approach that relies entirely on documents risks overlooking the physical changes. The scientific issue is therefore not merely whether the contradictory delimitation principle is mandatory, but when, and on the basis of which indicators, it must be reactivated in the course of data maintenance, and how different actors perform their corrective functions. This study finds that certificate verification and plotting verification operate as screening points: where the data are consistent and the boundaries are not in doubt, the transaction may proceed; where discrepancies are identified, the process must shift to participatory measurement or boundary re-establishment.

The novelty of this study lies in three aspects. First, it positions the contradictory delimitation principle as a conditional corrective mechanism in the transfer of rights, rather than as a formality automatically

repeated for every parcel or relevant only to the initial registration. Second, it identifies a division of functions: PPAT serves as the guardian of due care at the pre-deed stage, while the Land Office ensures technical validity and updates physical data. Third, it formulates a staged resolution process that does not end with settlement but requires the termination of the dispute, installation of boundary markers, and updating of land data. This orientation toward data restoration is consistent with the view that protecting rights requires operational legal certainty. Nahak and Budiarta (2021) connect legal protection in land tenure with the provision of certainty that legal subjects can use to defend their rights. On that basis, this study aims to analyze the implementation of the contradictory delimitation principle in land-rights transfers through sale and purchase in Denpasar City and to examine the measures taken to resolve problems arising from its suboptimal implementation.

RESEARCH METHOD

This study is an empirical legal study that views the law as both a body of norms and a practice operating through institutions, officials, facilities, and public participation. The statutory approach was used to examine the provisions governing land registration, the office of PPAT, boundary determination, data maintenance, electronic documents, and the resolution of land cases. A conceptual approach was used to analyze the contradictory delimitation principle, legal certainty, legal protection, and clarity of the contractual object. The empirical juridical approach was used to compare the normative framework with its implementation at the Denpasar City Land Office and by PPAT in Denpasar City, without altering the research design.

Primary data were obtained through structured and semi-structured interviews, observations, and documentation. The informants comprised one Junior Expert Cadastral Surveyor at the Denpasar City Land Office, three PPAT in Denpasar City, and three members of the public involved in land transactions, namely, two sellers and one buyer. Interviews with officials and PPAT explored verification, measurement, boundary determination and re-establishment procedures, the principle of due care, inter-institutional coordination, obstacles, and dispute resolution. Interviews with sellers and buyers were conducted to examine how service users experienced these procedures. The observation focused on the service flow for measurement and boundary determination, while the documentation covered forms, technical guidelines, and supporting documents that could lawfully be accessed.

Secondary data comprise primary, secondary, and tertiary legal materials. Primary legal materials included Law Number 5 of 1960, Government Regulation Number 24 of 1997, Government Regulation Number 18 of 2021, Government Regulation Number 37 of 1998, as amended by Government Regulation Number 24 of 2016, Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 16 of 2021, Regulation Number 3 of 2023, and Regulation Number 21 of 2020. The secondary materials consisted of books and scholarly articles on land registration, cadastral boundaries, electronic certificates, transfers of rights, the role of PPAT, and dispute resolution.

The data were qualitatively analyzed using an empirical juridical method in four stages. First, the data were reduced and grouped into themes concerning the implementation of the principle, division of roles, factors affecting effectiveness, legal consequences, and resolution mechanisms. Second, the data were presented narratively by comparing statements across the informants and legal documents. Third, the findings were interpreted using positive law and the theories of legal certainty, legal protection, and contracts. Fourth, conclusions were drawn inductively from specific practices in Denpasar City toward analytical propositions concerning the implementation of the contradictory delimitation principle in the transfer of rights. The validity of the findings was strengthened through triangulation among interviews with officials, PPAT, and community members, observations, and documents.

CONCLUSION

The contradictory delimitation principle has operated in land-rights transfers through sale and purchase in Denpasar City as an instrument for ensuring certainty regarding the location, area, shape, and boundaries of the object, but its implementation is not yet fully optimal. The principle does not require the remeasurement of every certified parcel; it operates conditionally and correctively when certificate verification, plotting verification, survey archives, or field conditions raise doubts. The procedures include

pre-deed examination, installation of boundary markers, involvement of adjoining landowners, measurement or boundary re-establishment, and data updating. The PPAT is responsible for preventing the execution of deeds for unclear objects, while the Land Office validates and updates physical data. The principal obstacles are the absence of adjoining owners, missing boundary markers, data discrepancies, cost and time pressures, service workloads, and a public understanding that still treats the certificate as the sole guarantee of the ownership. Suboptimal implementation may result in boundary disputes, area discrepancies, overlaps, impediments to transfer, losses to buyers, and declining confidence in the land administration. Resolution must proceed in stages through pre-deed prevention, deliberation, remeasurement, boundary re-establishment, land mediation, and litigation as a last resort, with data updating as the mandatory final step. The study implies the need for a coordination protocol based on risk indicators so that transactions involving consistent data remain efficient, while disputed objects must undergo participatory verification before rights are transferred.

REFERENCES

- Aditya, T., Santosa, P. B., Yulaikhah, Y., Widjajanti, N., Atunggal, D., & Sulistyawati, M. (2021). Title validation and collaborative mapping to accelerate quality assurance of land registration. *Land Use Policy*, 109, 105689. <https://doi.org/10.1016/j.landusepol.2021.105689>
- Farahzita, N., & Arsin, F. X. (2022). Peran Pejabat Pembuat Akta Tanah dalam mendukung implementasi transformasi digital layanan pertanahan terkait sertipikat elektronik. *The Juris*, 6(1). <https://doi.org/10.56301/juris.v6i1.422>
- Maharani, I. A. D., Puspadma, I. N. A., & Astiti, N. G. K. S. (2023). Keabsahan jual beli hak atas tanah yang dilakukan tanpa Akta PPAT ditinjau dari perspektif Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah. *Jurnal Konstruksi Hukum*, 4(3), 261-267. <https://doi.org/10.22225/jkh.4.3.8036.261-267>
- Martono, D. B., Aditya, T., Subaryono, S., & Nugroho, P. (2021). The legal element of fixing the boundary for the Indonesian complete cadastre. *Land*, 10(1), 49. <https://doi.org/10.3390/land10010049>
- Moreda, T. (2023). Beyond land rights registration: Understanding the mundane elements of land conflict in Ethiopia. *The Journal of Peasant Studies*, 50(5), 1791-1819. <https://doi.org/10.1080/03066150.2022.2120813>
- Nahak, S., & Budiarta, I. N. P. (2021). Legal protection of land tenure by foreign investors through nominee agreements in Bali, Indonesia. *International Journal of Criminology and Sociology*, 10, 589-594. <https://doi.org/10.6000/1929-4409.2021.10.68>
- Napitupulu, D. R. W. (2024). Legal certainty regarding the electronification of land certificates (Sertipikat-El) as proof of land rights ownership in Indonesia. *Jurnal Smart Hukum*, 3(1), 33-47. <https://doi.org/10.55299/jsh.v3i1.921>
- Palenewen, J. Y., & Rongalaha, J. (2021). Implementasi asas kontradiktur delimitasi pada Kantor Pertanahan Kota Jayapura berkaitan dengan pengukuran dan penetapan batas tanah. *Jurnal Ius Publicum*, 3(3). <https://doi.org/10.55551/jip.v3i3.22>
- Pullar D., Donaldson, S. (2022). Accuracy issues for spatial updates of digital cadastral maps. *ISPRS International Journal of Geo-Information*, 11(4), 221. <https://doi.org/10.3390/ijgi11040221>
- Sapardiyono, S., & Pinuji, S. (2022). Konsistensi perlindungan hukum kepemilikan dan hak atas tanah melalui sertipikat tanah elektronik. *Widya Bhumi*, 2(1). <https://doi.org/10.31292/wb.v2i1.19>
- Saputri, M. R., Aswadi, K., & Mauludin, N. A. (2024). Tanggung jawab Badan Pertanahan Nasional terhadap perbedaan data fisik di sertifikat dengan di lapangan (Studi kasus di Kantor Pertanahan Kabupaten Lombok Barat). *Unizar Recht Journal*, 3(3). <https://doi.org/10.36679/urj.v3i3.206>
- Sembiring, N. B. (2024). Land case mediation at BPN as a form of national land law development. *Jurnal Smart Hukum*, 3(2), 206-215. <https://doi.org/10.55299/jsh.v3i2.1186>
- Sommer, F., & de Vries, W. T. (2023). Values and representations in land registers and their legal, technical, and social effects on land rights as an administrative artifact. *Land Use Policy*, 135, 106946. <https://doi.org/10.1016/j.landusepol.2023.106946>
- Supadno, S., Junarto, R., & Mujiati, M. (2023). Gerakan pemasangan patok batas bidang tanah untuk mitigasi permasalahan pertanahan. *Community Development Journal: Jurnal Pengabdian Masyarakat*, 4(1), 686-694. <https://doi.org/10.31004/cdj.v4i1.12218>

- Supriyanti, T., Ardhi, A. A., & Mahasari, J. (2023). Pengaturan dan penerapan asas *contradictoire delimitatie* di Kantor Pertanahan Kabupaten Kebumen. *Widya Bhumi*, 3(1). <https://doi.org/10.31292/wb.v3i1.39>
- Harsono, B. (1997). *Hukum agraria Indonesia: Sejarah pembentukan Undang-Undang Pokok Agraria, isi dan pelaksanaannya*. Jakarta: Djambatan.
- Muhaimin. (2020). *Metode penelitian hukum*. Mataram: Mataram University Press.
- Rakhmatullah, B. R. (2022). *Problematika pendaftaran peralihan hak atas tanah*. Pekalongan: Penerbit NEM.
- Santoso, U. (2019). *Pendaftaran dan peralihan hak atas tanah*. Jakarta: Kencana.
- Subekti. (2005). *Hukum perjanjian*. Jakarta: Intermasa.
- Sumardjono, M. S. W. (2006). *Kebijakan pertanahan: Antara regulasi dan implementasi*. Jakarta: Kompas.
- Sutedi, A. (2023). *Sertifikat hak atas tanah*. Jakarta: Sinar Grafika.
- Indonesia. Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria.
- Indonesia. Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah.
- Indonesia. Peraturan Pemerintah Nomor 37 Tahun 1998 tentang Peraturan Jabatan Pejabat Pembuat Akta Tanah sebagaimana diubah dengan Peraturan Pemerintah Nomor 24 Tahun 2016.
- Indonesia. Peraturan Pemerintah Nomor 18 Tahun 2021 tentang Hak Pengelolaan, Hak atas Tanah, Satuan Rumah Susun, dan Pendaftaran Tanah.
- Indonesia. Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 21 Tahun 2020 tentang Penanganan dan Penyelesaian Kasus Pertanahan.
- Indonesia. Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 16 Tahun 2021 tentang Perubahan Ketiga atas Peraturan Menteri Negara Agraria/Kepala Badan Pertanahan Nasional Nomor 3 Tahun 1997.
- Indonesia. Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 3 Tahun 2023 tentang Penerbitan Dokumen Elektronik dalam Kegiatan Pendaftaran Tanah.