

Cancellation of Land Titles Based on Administrative and/or Legal Defects

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ABSTRACT

*Land title certificates serve as strong evidence, but they often contain administrative and/or legal defects that lead to their revocation. The main issue is the ambiguity of Article 35 of ATR/BPN Regulation No. 21 of 2020, which lists 17 types of errors without specifying a scale of severity or criteria to distinguish between procedural and substantive errors, thereby creating legal uncertainty. This study aims to analyze the mechanism for the annulment of certificates due to administrative/legal defects, as well as the liability of the National Land Agency (BPN) in this regard, using a normative legal method with a descriptive-analytical approach based on primary and secondary legal sources analyzed qualitatively. The results of the study indicate that revocation can be pursued through two channels: direct revocation by the BPN based on the principle of *contrarius actus* in a tiered manner with a five-year time limit, and indirect revocation through a decision by the Administrative Court (PTUN) that reviews the legality of administrative actions based on the principle of *rechtmatigheid van bestuur*. The BPN bears legal responsibility through preventive safeguards (AUPB) and repressive measures (objections, PTUN lawsuits), with an emphasis that the errors of officials must not be imposed on members of the public acting in good faith.*

Keywords: Certificate Revocation, Administrative Defects, Legal Defects, Legal Certainty, National Land Agency

INTRODUCTION

Land, as part of the Earth, is a gift from God. Land is a resource that plays a highly strategic role in the life of a nation and state (Arvita Hastarini, 2024). Philosophically, land is viewed not merely as an economic good, but also as a means of fulfilling basic human rights, a living space, and a determining factor in social well-being (Khayati, 2022). In an agrarian country such as Indonesia, land serves as the cornerstone of national development, public welfare, investment, housing, agriculture, industry, and infrastructure (Sihaloho, 2025). Therefore, a legal framework governing land is essential to ensure a balanced combination of legal certainty, justice, and public benefits.

The primary legal foundation for establishing land law in Indonesia is the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution). The state's control over the earth, water, and airspace, including the natural resources contained therein, is known as the State's Right of Control (Yusran & Koswara, 2022). Meanwhile, the right stating that all land, water, and airspace within Indonesian territory belong to all the people of Indonesia is an articulation of the Nation's Right (Tuharea et al., 2024). The concept of a nation's rights under national land law refers to the highest right of control over land (Permadi, 2023). The Indonesian people's right to land, which constitutes the supreme right of ownership, covers the entire land area of Indonesia; it is communal land, is perpetual in nature, and serves as the foundation for all other land ownership rights. Therefore, it must be managed and regulated at the national level by the government so that it may serve as a source of prosperity for all people (U.Nurzia, 2024).

To ensure that the management of the nation's rights truly serves as a source of prosperity for the people, the state is obligated to provide legal certainty regarding land tenure and ownership by each legal

entity (Petrolika et al., 2024). One way to fulfill this obligation is through implementing land registration. Proper land registration serves as the foundation for ensuring administrative order in land affairs (Ardani et al., 2022). Land registration benefits the state/government and land rights holders. To provide legal certainty and protection to land rights holders, certificates are issued and granted as proof of land rights (Muri et al., 2025). The UUPA does not specify the name of the certificate that evidences registered land rights. Article 1, item 20 of Government Regulation No. 24 of 1997 states that a certificate is the document evidencing rights as referred to in Article 19, Paragraph 2, letter (c) of the UUPA for land rights, management rights, waqf land, ownership rights to units in multi-unit housing, and encumbrances, each of which has been recorded in the relevant land registry. Certificates are issued by the Regency/Municipal Land Office. The authorized official to sign the certificate—in the case of systematic land registration is the Chair of the Adjudication Committee on behalf of the Head of the Regency/Municipal Land Office. In the case of sporadic land registration of an individual nature, the certificate is signed by the Head of the Regency/City Land Office. In the case of sporadic land registration of a mass nature, the certificate is signed by the head of the land surveying and registration section on behalf of the Head of the Regency/City Land Office.

A certificate is a document evidencing rights that serves as strong proof of the physical and legal data contained therein, provided that such physical and legal data correspond to the data contained in the survey report and the relevant land rights register (Fahrani et al., 2023). A certificate is considered “strong evidence,” intended to provide legal protection for certificate holders while fostering public confidence in the land registration system (Julaeha, 2026). However, in the practice of land administration, land title certificates are not always problem-free (Dwika Padila, 2025). Various cases have revealed the existence of certificates containing errors, including administrative, procedural, and measurement errors, errors regarding the subject or object of the right, and overlapping certificates (Amilio, 2025; Sinta et al., 2026; Wicaksono & Handayani, 2026). These errors can stem from weaknesses in the administrative system, data limitations, negligence on the part of officials, bad faith on the part of applicants, and the complexity of the legal relationships surrounding the land. These conditions give rise to legal issues when certificates issued by the National Land Agency (BPN) must be corrected or even revoked.

The revocation of a land title certificate is a legal action that has serious consequences for the rights of legal entities (Sugiyanto, 2024). In addition to the annulment of legal instruments through court decisions, the National Land Agency (BPN), as the authority responsible for land affairs and empowered to issue legal instruments, in this case, land title certificates, is also authorized to annul legal instruments it has issued. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 21 of 2020 on the Handling and Resolution of Land Disputes (hereinafter referred to as Permen ATR/BPN No. 21 of 2020) is one of the implementing regulations in the field of land affairs that governs the mechanisms for handling and resolving land disputes and explicitly grants land officials the authority to revoke legal instruments issued on the grounds of “administrative and/or legal defects.” This provision is normatively set forth in Article 29, Paragraph 1, letter a, in conjunction with Article 35 of Permen ATR/BPN No. 21 of 2020.

The formulation of the norm regarding “administrative and/or legal defects” in ATR/BPN Ministerial Regulation No. 21 of 2020 raises several legal issues. Although Article 35 of Ministerial Regulation ATR/BPN No. 21 of 2020 sets forth criteria for the types of errors classified as administrative or legal defects, this Ministerial Regulation does not provide clear standards regarding the severity of errors, the distinction between procedural and substantive errors, or objective criteria that can serve as a basis for determining revocation. Furthermore, does every error or omission automatically result in certificate revocation? This lack of clarity renders the legal norm governing the revocation of legal instruments, such as certificates, ambiguous.

The ambiguity of the norm regarding the criteria for “administrative and/or legal defects” directly impacts the principle of legal certainty for certificate holders. Under certain conditions, an administrative error that does not affect the substance of the right could serve as grounds for revoking the certificate, thereby creating uncertainty and a sense of insecurity for the rights holder. This clearly has the potential to conflict with the General Principles of Good Governance, particularly the principles of legal certainty, due diligence, and the protection of lawfully acquired rights.

RESEARCH METHOD

This study employs normative legal research, as the ambiguity of the legal norms regarding the criteria for “administrative and/or legal defects” has direct implications for the principle of legal certainty for the certificate holders themselves. The research approach used in this study is descriptive-analytical. The legal sources in this study consist of primary legal materials in the form of laws and regulations, and secondary legal materials in the form of legal books and journals. The techniques for collecting legal materials used in this study involve document analysis and note-taking—, specifically by making notes in the form of both direct and indirect quotations obtained from books or readings related to the issues under discussion. The materials were analyzed using a systematic interpretation method, followed by qualitative analysis and descriptive presentation.

RESULT & DISCUSSION

Mechanism for the Revocation of Land Title Certificates Based on Administrative and/or Legal Defects

The final outcome of the land registration process is the issuance of a document evidencing land ownership in the form of a land title certificate, which serves as proof of ownership. (Fahrani et al., 2023). By holding a land title certificate, an individual or legal entity can easily prove that they are the holder of rights to a particular parcel of land, provided that their name is clearly listed on the certificate (Abidin et al., 2024). The issuance of a certificate by an authorized official to the applicant or interested party establishes a person’s status (Kumara et al., 2021).

In practice, land title certificates are not always issued based on a careful review of physical and legal data; therefore, these certificates often become a source of disputes (Fredy et al., 2025). Although a land title certificate is deemed “strong evidence,” its probative value is not absolute; if, at a later date, the physical and/or legal data contained in the certificate are found to be incorrect or if errors are discovered in the issuance process, the certificate may be revoked in accordance with the applicable laws and regulations. This is a consequence of the “negative publication with positive effect” system adopted in Indonesia’s land registration system.

A land title certificate issued with administrative or legal defects may be revoked either by the applicant or by any other party who feels aggrieved by the issuance of the certificate. Provided that convincing grounds and evidence are presented, the process for revoking the certificate may be initiated by requesting revocation from the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (ATR/BPN) through a land office or by filing a lawsuit. This is regulated in Article 29, Paragraph 1 of the Ministerial Regulation of the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 21 of 2020.

Provisions regarding the revocation of legal instruments in the form of land title certificates are set forth in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 21 of 2020 on the Handling and Resolution of Land Cases, which serves as a guideline for resolving land-related disputes. Article 1, point 14 of the Ministerial Regulation of the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 21 of 2020 states that the annulment of legal instruments is classified into two forms: annulment based on administrative and/or legal defects, and annulment carried out to implement a court decision that has become final and binding.

The legal instruments referred to here are those issued by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, Regional Offices of the National Land Agency, and Land Offices in accordance with their respective authorities, wherein such legal instruments consist of decisions issued by civil service officials in the field of land affairs, including land title certificates, as stipulated in Article 1, Paragraph 13 of Ministerial Regulation of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency No. 21 of 2020.

The administrative defects in question may arise due to errors made by the certificate applicant regarding the data submitted to the land office or due to errors by the land office in presenting the data. These errors may be related to the object or subject of the land. Meanwhile, a court decision is said to have legal force when it has become final and binding, that is, a final decision against which no legal remedies have been filed by the party objecting to it and/or a cassation decision by the Supreme Court, as the highest judicial institution tasked with correcting or evaluating the legal reasoning of lower court decisions.

Article 35 of ATR/BPN Ministerial Regulation No. 21 of 2020 lists the forms of administrative and/or legal defects that may serve as grounds for the revocation of a land rights certificate, namely those caused by:

- 1.Errors in the process or procedures for issuing land rights, registering rights, and maintaining land registration data.
- 2.Errors in the surveying process or procedures
- 3.Errors in the process or procedures for issuing replacement certificates.
- 4.Errors in the process or procedures for issuing mortgage certificates
- 5.Errors in the application of laws and regulations.
- 6.Errors regarding the subject of the right
- 7.Errors regarding the object of the right:
- 8.Errors regarding the type of right
- 9.Overlapping land rights
10. Overlap with forest areas.
11. Errors in the determination of land consolidation
12. Errors in confirming land subject to land reform
13. Errors in the process of issuing the correct transfer permit
14. Errors in the process of issuing a decision letter of revocation.
15. There is a final and binding criminal court decision proving the existence of criminal acts of forgery, fraud, embezzlement, or other criminal offenses.
16. Documents or data used in the certificate issuance process are not products of the relevant agency, as evidenced by a statement from the agency concerned.
17. There is a court decision that, in its legal reasoning, establishes the existence of defects in the issuance of a legal instrument by the Ministry and/or defects in the legal act regarding the transfer of rights, but the judgment does not explicitly state this in its operative part.

From the perspective of the hierarchy of laws, the provisions of Article 29, Paragraph 1, letter a, in conjunction with Article 35 of ATR/BPN Ministerial Regulation No. 21 of 2020, constitute implementing regulations for the provisions of Article 64 of Government Regulation No. 18 of 2021, which grants the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency the authority to revoke land rights, land title certificates, or decisions granting land rights that contain administrative or legal defects. The National Land Agency must exercise its authority to revoke land title certificates with great care, as this is closely tied to the principle of legal certainty, which serves as the foundation for protecting land title certificate holders. Government Regulation No. 24 of 1997 mandates the provision of guarantees of protection and legal certainty to certificate holders who have lawfully acquired land rights in good faith and who actually possess the land in question. Article 32, Paragraph 2 of Government Regulation No. 24 of 1997 states that if, within 5 (five) years from the issuance of the certificate, there are no written objections from parties claiming rights or lawsuits filed in court, then other parties can no longer assert their rights to the land in question. This provision demonstrates that the state seeks legal stability and certainty regarding land registration data, ensuring that certificates cannot be challenged or revoked. Therefore, when revoking a certificate based on administrative and/or legal defects, the National Land Agency is required to conduct a thorough and careful examination and assessment to ensure that the revocation truly serves to uphold the law and justice and does not create new legal uncertainty for the interested parties.

The provision of Article 32(2) of Government Regulation No. 24 of 1997 is consistent with the provision in Article 64(2) of Government Regulation No. 18 of 2021, which essentially states that the revocation of a land title certificate due to administrative defects may only be carried out within 5 (five) years from the date of issuance of said land title certificate. This applies to land rights certificates issued for the first time and not yet transferred, as well as to land rights certificates that have been transferred, but where the parties did not act in good faith regarding the transfer of such rights in accordance with applicable laws and regulations. If the 5 (five)-year period has elapsed, the revocation of the certificate must be carried out through judicial proceedings.

The essence of the National Land Agency's authority to revoke land title certificates cannot be separated from its authority to issue the. The authority of the National Land Agency to revoke legal instruments in the form of land title certificates has gained increasing legitimacy and is consistent with the provisions of Article

66, Paragraph 3 of Law No. 30 of 2014, which states that “A decision to revoke as referred to in Paragraph 1 (involving defects in authority, procedure, and/or substance) may be made by the government official who issued the decision, the superior of the official who issued the decision, or pursuant to a court ruling.”

For the National Land Agency to revoke a land title certificate due to administrative and/or legal defects, the interested party or the party who feels aggrieved must submit a “Request for Revocation” to the Ministry through the Regional Office or the local National Land Agency office where the certificate was issued. The revocation of a land title certificate by the National Land Agency due to administrative or legal defects must also be based on a “complaint” filed by an individual, the public, a legal entity, or an internal party within the National Land Agency itself, as the stages of the revocation process follow the mechanisms for handling and resolving disputes and conflicts stipulated in Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Regulation No. 21 of 2020.

Furthermore, Article 29, Paragraph 2 of ATR/BPN Ministerial Regulation No. 21 of 2020 explains that prior to any revocation due to administrative and/or legal defects, the Ministry or Regional Office, in accordance with their respective authorities, shall notify the holder of the land rights and the holder of the encumbrance in cases where the legal instrument to be revoked is a land right or a land certificate encumbered by such rights.

The authority to carry out revocation under the Ministerial Regulation of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) No. 21 of 2020 rests with the Minister and the Heads of Regional Offices. Pursuant to Article 30 of Ministerial Regulation ATR/BPN No. 21 of 2020, the Minister has the authority to revoke legal instruments issued by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) itself, as well as those issued by Regional Offices, due to administrative and/or legal defects. If revocation is carried out as a follow-up to the implementation of a court decision that has become final and binding, the Minister’s authority is limited solely to the revocation of legal instruments issued by the Ministry itself.

Meanwhile, the Regional Office Head has the authority to revoke legal instruments issued by the Regency/City Land Office Head because of administrative and/or legal defects. In implementing a court decision that has become final and binding, the Head of the Regional Office is only authorized to revoke legal instruments issued by the Regional Office and those issued by the Regency/City Land Office. However, “in certain cases,” the Minister may revoke legal instruments issued by a Regional Office or a Regency/Municipal Land Office that fall under the authority of the Head of the Regional Office due to administrative and/or legal defects, or in execution of a court decision that has become final and binding.

In light of the above provisions, it is evident that the authority to revoke legal instruments in the form of land title certificates by the National Land Agency is an authority acquired through attribution, that is, the granting of authority by statutory regulations to a government body, in this case, the Ministry of Agrarian Affairs and Spatial Planning (ATR)/National Land Agency (BPN) as the agency responsible for administering government affairs in the field of land, as mandated by Presidential Regulation No. 176 of 2024 concerning the Ministry of Agrarian Affairs and Spatial Planning and Presidential Regulation No. 177 of 2024 concerning the National Land Agency.

This authority is delegated in a hierarchical manner to officials at lower levels, that is, from the Minister to the Regional Office Head, and from the Regional Office Head to the Regency/City Land Office Head, —through a mechanism of authority delegation in accordance with the limits of authority specified by laws and regulations, as mandated by Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Regulation No. 21 of 2020 on the Handling and Resolution of Land Cases.

From the perspective of legal certainty, the revocation of land title certificates involves two interrelated dimensions: On the one hand, revocation is necessary to correct administrative errors that could potentially result in injustice for parties whose rights have been violated. However, revocation must also consider the legal protection of certificate holders who acquired their rights in good faith. On that basis, Article 32, Paragraph 1 of ATR/BPN Regulation No. 21 of 2020 stipulates that revocation cannot be carried out if the land rights have been transferred to a third party who acquired such rights in good faith and said third party is not a party to the dispute or case underlying the revocation request. This provision reflects the protection of the principles of good faith and legal certainty for members of the public who acquire land right in good faith.

In addition to BPN's internal mechanisms, land title certificates may also be challenged and revoked through the Administrative Court (PTUN), which is responsible for resolving disputes arising from administrative actions by government agencies, including the issuance of certificates by the BPN. The certificate fulfills all the elements of an Administrative Decision as referred to in Article 1, point 9 of Law No. 51 of 2009, namely a written determination issued by an Administrative Body or Official, which constitutes a public legal act that is concrete, individual, final, and gives rise to legal consequences for a natural person or a civil law legal entity. This status is further reinforced by Article 87 of Law No. 30 of 2014, which broadens the definition of an Administrative Decision to include any decision by a government official that gives rise to legal consequences. Because it qualifies as an Administrative Decision, a land title certificate may be subject to review in the Administrative Court (PTUN) if it is alleged to have been issued in violation of laws and regulations or the General Principles of Good Governance, in accordance with the provisions of Article 53(2) of Law No. 9 of 2004.

The Administrative Court's authority to review disputes over land title certificates is not based on determining who has the greatest legal claim to the land under civil law but rather focuses on examining the legality of the administrative action (*rechtmatigheid van bestuur*) taken by the land administration official when issuing the certificate. The scope of the Administrative Court judge's review encompasses three main aspects: the authority of the official who issued the decision; the compliance of the issuance procedure with applicable laws and regulations; and the substance of the decision serving as the basis for the certificate's issuance, in line with the principle articulated by Wade and Forsyth that power must be exercised solely in accordance with the law, not on the basis of arbitrariness. Disputes regarding the revocation of certificates generally stem from alleged administrative defects, such as errors in determining the subject of the right, errors regarding the land in question, overlapping certificates, or issuance without complying with the procedures prescribed by law.

If an Administrative Court (PTUN) judge rules that the issuance of a certificate was carried out in violation of administrative law, the decision rendered is, in principle, the annulment of the administrative decision that served as the basis for the certificate's issuance, rather than directly determining the status of land ownership under civil law. The consequences regarding the status of land rights are a subsequent legal effect of the annulment of that administrative decision. The existence of the Administrative Court (PTUN) as an institution that reviews the legality of certificate issuance is an implementation of the principle of "*rechtmatigheid van bestuur*" within the framework of the rule of law (*rechtsstaat*), which affirms that the government's administrative authority is not absolute but is subject to legality, accountability, and the protection of citizens' rights. If a land official commits "*détournement de pouvoir*" (abuse of authority) or "*willekeur*" (arbitrary action), the PTUN serves a corrective function to restore administrative legality by annulling the Administrative Decision.

Thus, it can be concluded that there are two complementary avenues for certificate revocation: direct revocation by the BPN based on the principle of *contrarius actus* without litigation and indirect revocation as a consequence of a final and binding decision by the Administrative Court (PTUN). The authority to revoke certificates held by the BPN is delegated and hierarchical, extending from the Minister, through the Regional Office Head, down to the Land Office Head, with a five-year time limit for cases involving administrative defects, except in cases of overlapping rights and subject to the procedural requirement of notifying the rights holder before the revocation is issued. Although Article 35 of ATR/BPN Ministerial Regulation No. 21 of 2020 lists 17 types of errors that can constitute administrative or legal defects, the provision does not specify the severity of such errors; this ambiguity in the legal norm is the primary focus of this study. On the other hand, the Administrative Court (PTUN) only reviews the legality of administrative decisions from the perspectives of authority, procedure, and substance based on the principle of *rechtmatigheid van bestuur*, rather than determining the lawful owner of the land under civil law; consequently, its rulings affect the status of land rights only indirectly. In practice, both the BPN and the PTUN apply the principle of prudence and the General Principles of Good Governance, specifically diligence, legal certainty, and protection of parties acting in good faith, to ensure that the revocation of a certificate does not create legal uncertainty that would contradict the very purpose of land registration itself.

Liability of the National Land Agency for the Issuance of Land Title Certificates Containing Administrative and/or Legal Defects

Philipus M. Hadjon states that legal protection is divided into two categories: preventive and repressive legal protection. Preventive legal protection aims to prevent violations before they occur, whereas repressive legal protection is a final measure in the form of sanctions, such as fines, imprisonment, and additional penalties imposed once a dispute has arisen or a violation has been committed.

Regarding legal protection for Land Title Certificate Holders in cases of Legally Defective Certificates, preventive legal protection is realized through the issuance of land title certificates. The process of issuing such certificates must be based on the General Principles of Good Governance (AUPB), the application of the principle of diligence in examining physical and legal data, the public announcement of land registration data, the investigation of legal grounds, the verification of land parcel boundaries, and the verification of all documents serving as the basis for certificate issuance. These mechanisms aim to minimize the likelihood of issuing certificates with legal defects.

Furthermore, remedial legal protection is provided in the event of a dispute arising from the issuance of a certificate with legal defects. This legal protection is realized through every person's right to file an administrative objection, submit a petition for revocation to the competent land official, or file a lawsuit in the Administrative Court against the decision to issue a land title certificate. Through these mechanisms, the state provides corrective instruments to rectify government administrative actions that violate the law while also providing certainty regarding the party entitled to the disputed land.

Legal protection for land rights holders is also reflected in the negative publication system with positive elements, as adopted in Indonesia's land-registration system. This system grants land title certificates strong evidentiary weight, although it is not absolute in nature. This means that the information contained in the certificate is presumed to be accurate unless proven otherwise through valid evidence or a court decision that is final and binding. Therefore, the certificate retains legal protection as long as it has not been revoked by an authorized official or a court decision has not ruled otherwise.

Another form of legal protection for holders of land title certificates is set forth in Article 32, Paragraph 2 of Government Regulation No. 24 of 1997, which limits the possibility of filing a claim against a lawfully issued certificate. This provision stipulates that if a certificate is lawfully issued to an individual or legal entity who acquired the land in good faith and actually controls the land, then any other party claiming rights to the land may no longer assert such rights if, within 5 (five) years from the issuance of the certificate, they have not filed a written objection with the certificate holder and the Land Office or filed a lawsuit in court.

The provision in Article 32, Paragraph 2 of Government Regulation No. 24 of 1997 demonstrates that land law in Indonesia protects certificate holders acting in good faith. Protection for certificate holders acting in good faith constitutes the implementation of the principles set forth in Law No. 30 of 2014 on Government Administration, which mandates that every government action or decision that gives rise to legal consequences must be based on the General Principles of Good Governance (AUPB). These principles include the principle of legal certainty, the principle of diligence, the principle of non-abuse of authority, the principle of proportionality, and the principle of protection of legitimate expectations. Protection for the holders of the aforementioned certificates is excluded if it is proven that the holders of land title certificates were aware from the outset of the legal defects inherent in the certificates or acquired land rights through means contrary to the provisions of laws and regulations.

The fact that the state provides legal protection to holders of land title certificates indicates that the National Land Agency, as the government body responsible for land affairs that carries out land registration activities, also bears legal responsibility for any errors or negligence on its part in the process of issuing land title certificates. Considering the duties and responsibilities of the National Land Agency, it is evident that the Agency is not only responsible when individuals seek to have a certificate revoked through administrative proceedings at the Agency, but the National Land Agency is also tasked with enforcing court decisions related to its core function, namely, the issuance of land title certificates.

In this regard, a land title certificate that has been revoked by a court judge and has become final and binding must be followed up with the revocation or cancellation of the land title certificate. This is because the revocation of a land title certificate can, in essence, only be carried out by officials of the National Land Agency itself. Even though a court has ruled that a certificate is invalid, this does not mean the certificate is

automatically null and void, since the court only assesses the validity of the certificate, while the responsibility for revoking it lies with the National Land Agency itself.

The National Land Agency's liability does not end there; if any employee or official of the National Land Agency acts intentionally or negligently in performing their duties, resulting in harm to others due to errors in the issuance of land title certificates, they may be subject to sanctions in accordance with applicable laws and regulations. This is because, in principle, any party whose actions cause harm to another party is obligated to bear the legal consequences. Actions taken by an official of the National Land Agency that result in harm may be subject to sanctions, including administrative, criminal, or civil sanctions, if it is proven that the official acted intentionally or negligently. Such sanctions are imposed only after a thorough investigation process has been completed.

The accountability of the National Land Agency, as a state institution carrying out government duties in the field of land affairs, regarding the issuance of land title certificates containing legal defects, whether administrative or judicial, as described above, is consistent with the Theory of Liability proposed by Abdul Kadir Muhammad. In this context, errors or negligence committed by land agency officials should not be attributed to members of the public who have fulfilled all legal requirements and obtained certificates through prescribed procedures. Therefore, any decision to revoke a certificate should proportionately consider the relationship between the degree of administrative error, the role of the certificate holder, and the legal consequences for all parties concerned.

CONCLUSION

The revocation of a land title certificate due to administrative and/or legal defects may be pursued through two complementary avenues: direct revocation by the National Land Agency (BPN) based on the principle of *contrarius actus*, pursuant to Article 29, Paragraph 1, letter a, in conjunction with Article 35 of Ministerial Regulation of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) No. 21 of 2020, and indirect revocation through a final and binding decision of the Administrative Court (PTUN). The authority to revoke held by the BPN is attributive and hierarchical, extending from the Minister, through the Regional Office Head, down to the Regency/City Land Office Head, with a time limit of 5 (five) years for cases of administrative defects pursuant to Article 32(2) of Government Regulation No. 24 of 1997 and Article 64(2) of Government Regulation No. 18 of 2021, except in cases of overlapping rights. Although Article 35 of ATR/BPN Ministerial Regulation No. 21 of 2020 has detailed 17 types of errors classified as administrative/legal defects, this provision does not specify the severity of the errors nor provide objective criteria to distinguish procedural errors from substantive errors; thus, this is the primary source of legal ambiguity that forms the focus of this study. However, the Administrative Court (PTUN) is only authorized to review the legality of administrative decisions from the perspectives of authority, procedure, and substance based on the principle of *rechtmatigheid van bestuur*, rather than determining the lawful owner of the land under civil law; consequently, its impact on the status of land rights is indirect.

Regarding liability, the National Land Agency (BPN) bears legal responsibility for errors or negligence in the issuance of certificates, both through preventive legal safeguards (the application of the General Principles of Good Governance in the issuance process) and repressive measures (objection mechanisms, requests for annulment, and lawsuits filed with the Administrative Court). In line with the Theory of Liability proposed by Abdul Kadir Muhammad, errors or negligence on the part of land officials should not be imposed on members of the public who have lawfully fulfilled all legal requirements. Thus, every decision to revoke a certificate must proportionally consider the degree of administrative error, the role of the certificate holder, and the legal consequences for all interested parties to maintain a balance between legal certainty and justice for rights holders acting in good faith.

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