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The Validity of Canceling A Land Certificate of The Regional Office of The National Land Agency Based on A District Court Decision That Has Permanent Legal Force

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Abstract: The validity of the legal act of canceling a land title certificate refers to the validity of the legal process and substance underlying the cancellation decision, as stipulated in Law No. 5/1960 on Basic Agrarian Principles (UUPA) and Ministerial Regulation No. 21/2020. This validity relies on the fulfillment of formal requirements, such as correct administrative procedures (application submission, document verification, and issuance of the decision by the National Land Agency), as well as material requirements, such as legal ownership and the absence of unresolved disputes. Certificate cancellation can be considered invalid if there are legal defects in its implementation, such as abuse of authority, using the wrong legal rules, violation of procedures, or non-compliance with general principles of good governance (AUPB), and regarding these errors, the aggrieved party can demand that it be canceled through a decision of the State Administrative Court (PTUN) or considered null and void. Administrative law principles, such as legality, transparency, and audi et alteram partem, become benchmarks to ensure legal certainty, so that certificates as proof of ownership reflect the actual legal situation..

Keyword: Validity, Cancellation of Legal Products, Land Title Certificate, District Court Decision.

INTRODUCTION

In a state of law, government organs perform legal actions based on their authority, which in turn creates legal relations. These legal relationships can be divided into two types: internal legal relationships (interne rechtsbetrekking), which are relationships between government agencies, and external legal relationships (externe rechtsbetrekking), which involve interactions between the government and citizens. From this legal relationship, rights and obligations arise between government organs and citizens. Therefore, the use of authority must be carried out through lawful actions, so that obligations can be carried out properly and the rights of citizens are not violated (Vitha Dwi Oktavianny Lomboan, 2023). In addition, the government also uses various juridical instruments in carrying out activities to regulate

and run government and community affairs, such as laws and regulations, state administrative decisions, policy regulations, licensing, civil law instruments, and so on (Dr. Ridwan HR, 2016).

The government is given free authority or *freies Ermessen*, in the context of a state of law, its use must remain within the limits set by applicable law. The use of *freies Ermessen* must not conflict with existing laws, both written and unwritten laws. According to Muchsan, restrictions on the use of *freies Ermessen* include:

- a Must not conflict with the applicable legal system (positive legal rules).
- b May only be used for the public interest.

Sjachran Basah states that legally there are two limits: upper limit and lower limit. The upper limit means compliance with laws and regulations, where lower-level regulations must not contradict higher regulations. Meanwhile, the lower limit means that regulations or administrative actions (both active and passive) must not violate the rights and obligations of citizens. Thus, *freies Ermessen* must not conflict with the public interest (Dr. Ridwan HR, 2016).

In order to improve the quality of government administration, government officials must refer to the general principles of good governance and laws and regulations. Government administration arrangements are expected to provide legal protection for the community and officials. The law on government administration is the legal basis to support officials' decisions in meeting the legal needs of the community. Discretion, based on Law Number 30 of 2014, is a decision or action of an official to address concrete problems when regulations are unclear or incomplete. Discretion may only be exercised by authorized officials and aims to streamline government administration, fill legal gaps, provide legal certainty, and overcome stagnation in the public interest.

Discretionary requirements are regulated in Article 24 of Law Number 30 of 2014 concerning State Administration, government officials who use discretion must meet the following conditions:

- a. In accordance with the purpose of discretion as referred to in article 22 paragraph 2; every discretion of government officials aims to; smooth government administration, fill legal gaps, provide legal certainty, and overcome government stagnation in certain circumstances for the benefit and interest of the public;
- b. not contrary to the provisions of laws and regulations;
- c. in accordance with AUPB (general principles of good governance);
- d. based on objective reasons;
- e. does not cause conflicts of interest; and
- f. carried out in good faith.

Policy regulations in accordance with their emergence are not derived from the authority to make laws and regulations, therefore they cannot be tested based on the *rechmatigheid* aspect. Based on state administrative law, testing policy regulations is from the aspect of *doelmatigheid* by using the general principles of good governance (AAUPB), especially the principle of prohibition of abuse of authority and the principle of prohibition of arbitrariness. In other words, government policies will be categorized as deviant policies if there are elements of abuse of authority and arbitrary elements. The presence or absence of elements of abuse of authority is tested by the principle of specialty (*specialiteitsbeginsel*). This principle of specialty means that the authority is given to government organs with a specific purpose. Deviating from the purpose of granting authority will be considered an abuse of authority. The arbitrary element is tested by the principle of rationality or appropriateness (*redelijk*). A policy regulation is categorized as containing an element of *willekeur* if the policy regulation is manifestly unreasonable or unreasonable (*kennelijk*

onredelijk) (Dr. Ridwan HR, 2016). It should be noted that legal validity is highly dependent on the effectiveness of legal norms in a legal order. That means, validity is very dependent on the effectiveness of a basic norm in this case is the theory of legal norms according to Hans Kelsen, namely Grundnorm. However, a legal order will not lose its validity if it does not run effectively. A legal order will lose its validity if the legal norms in the legal order can never be implemented. The validity of a legal norm can be determined not only by effectiveness but also by a legal order. This means that a valid legal norm must be part of a system of norms. Thus, the validity of a norm will form a hierarchy of legal norms called stufentheory. This is because, a valid norm must be declared valid and not contradict the norm above it, and so on up to the highest norm called Grundnorm. With this validity, Hans Kelsen wants to illustrate that a legal order is a system of legal norms that are interrelated with each other, and all of them will lead to a supreme norm that is not based on and sourced from other norms called grundnorm. Thus, all legal norms in a legal order belong to the same legal order due to validity (Rica Anggaraeni & Indah Mutiara Sari, 2020).

The relevance of the author's research is that the process of canceling land certificates must be based on legal regulations or must use legal rules as a legal basis, taking into account legal legitimacy, ensuring that actions taken by the government, in this case the National Land Agency, must have a clear legal basis and be accountable. Cancellation of certificates must be done by taking into account the principles of ethics, justice and legal certainty. This action should be fair and non-discriminatory, and should protect the legitimate rights of the individual or group applying for the cancellation of a land certificate and of the party whose land certificate is being canceled.

METHOD

This research uses doctrinal legal research based on legal doctrines and laws and regulations in force in Indonesia. This research also uses secondary data in the form of primary legal materials such as legislation in the form of Law Number 5 of 1960 concerning Agrarian Principles, Government Regulation Number 24 of 1997 concerning Land Registration, Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flat Housing Units and Land Registration, Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the Land Agency Number 21 of 2020 concerning Handling and Settlement of Land Cases, court decisions and secondary legal materials such as literature, articles and journals related to land law and cancellation of land certificates. The data collection technique in this research also uses document studies and data analysis methods using qualitative methods. This research method can then help the author to analyze legal issues related to the cancellation of land certificates..

RESULT AND DISCUSSION

Land certificates in the perspective of state administrative law. In the context of land registration, both under Government Regulation Number 10 of 1961 and Government Regulation Number 24 of 1997, the system applied is a negative stelsel. This is in line with the opinion of Adrian Sutedi, who states that land registration according to Government Regulation Number 24 of 1997 concerning land registration adopts a negative publication system. In this system, the state plays a passive role by receiving information submitted by the party applying for the land registration.

In carrying out every state administrative action, the government in this case. The National Land Agency as a representation of the state must be based on laws and regulations and/or general principles of good governance. This is in line with the a contrario understanding of the norm contained in Article 53 paragraph (2) of Law Number 9 Year 2004 (Article 53 of Law Number 9 Year 2004).

- a. The challenged state administrative decision is contrary to the prevailing laws and regulations;
- b. The challenged state administrative decision is contrary to the general principles of good governance.

Philipus M. Hadjon stated that in general, factual actions (*feitelijke handeling*) are often considered as a category of government actions that stand alone. This action is usually separated from the group of legal actions (*rechthandelingen*) carried out by the government. The distinction given to the two government actions is based on whether or not there are legal consequences (*rechtsgevolg*) from the government action in question. There are various legal actions in the context of state administrative law, which are carried out by bodies or officials based on applicable legal norms, with the aim of creating certain legal consequences. These effects are usually in the form of rights and obligations for the intended individuals or legal entities. Government actions carried out are legal actions that cause certain legal consequences and are outlined in various decisions. These decisions can be divided into constitutive and declaratory decisions. A constitutive decree creates a new right that was not previously owned by the individual whose name is listed in the decree. A declaratory decree, on the other hand, serves to recognize an existing right, which is granted after meeting certain conditions. It transforms an abstract legal provision into a concrete event.

Normatively, state administrative decisions are regulated in Article 1 point 9 of Law No. 51/2009, which defines decisions as written determinations issued by state administrative bodies or officials, containing legal actions that are concrete, individual, and final, and have legal consequences for individuals or legal entities. Along with development, the concepts and norms regarding state administrative decisions have changed, especially in the form of expansion of meaning and juridical scope, as regulated in Law Number 30 of 2014 concerning Government Administration. This expansion of meaning is outlined in the provisions of Article 87, which reads: With the enactment of this Law, State Administrative Decisions as referred to in Law Number 5 of 1986 concerning State Administrative Courts as amended by Law Number 9 of 2004 and Law Number 51 of 2009, shall be interpreted as:

- a. written determination which also includes factual actions;
- b. Decisions of State Administrative Bodies and/or Officials within the executive, legislative, judicial, and other state administrators;
- c. based on statutory provisions and AUPB;
- d. final in a broader sense;
- e. Decisions that have the potential to cause legal consequences; and/or;
- f. Decisions that apply to citizens.

In the practice of administrative law enforcement, especially in relation to disputes in the land sector, the state administrative decision that is the object of the dispute is the certificate of land rights. This doctrine is recognized throughout the State Administrative Courts, one of which is based on Supreme Court Jurisprudence Number 140 K/TUN/2000, dated February 11, 2002, which states that land certificates are declarative state administrative decisions, indicating the existence of a legitimate right holder (*de ware rechtstitel*). The creation of a land title certificate as a state administrative decision must meet the requirements to be legally valid (*rechtsgeldig*) and have legal force (*rechtskracht*). These requirements include material and formal requirements. With the expansion of meaning related to state administrative decisions based on Law Number 30 Year 2014, there will logically be a shift in the placement of the object of dispute in the land sector. Several options were discussed during the training of State Administrative Court Judges regarding the phases and products of land law that can be used as objects of dispute. Whether to continue to refer

to certificates, Decrees Granting Rights (SKPH), or other legal documents/products (Febby Fajrurrahman, 2017).

Based on Article 1 Paragraph 1 of Presidential Regulation of the Republic of Indonesia Number 48 of 2020 concerning the National Land Agency; “The National Land Agency, hereinafter referred to as BPN, is a Non-Ministerial Government Institution under and responsible to the President” (Article 1 of Presidential Regulation Number 48 of 2020).

According to Article 1 point 13 of the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning Handling and Settlement of Land Cases: “Legal Products of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, Regional Office of the National Land Agency, Land Office according to their authority, hereinafter referred to as Legal Products, are decisions of State Administrative officials in the land sector” (Article 1 of Government Regulation Number 21 of 2020).

Land title certificates are decisions taken by government agencies or officials in the context of government administration in the land sector, known as State Administrative Decisions (KTUN), this is in accordance with the provisions contained in Article 1 Figures 22 and 23 of Government Regulation Number 24 of 1997 concerning land registration; Figure 22, explains that the National Land Agency is a Non-Departmental Government Agency whose duties include the land sector. Point 23, explains that the Land Office is a working unit of the National Land Agency in the district or municipality, which conducts registration of land rights and maintenance of the general register of land registration (Article 1 of Government Regulation No. 24 of 1997).

The National Land Agency (BPN) is the government agency responsible for issuing certificates of land ownership rights and is also responsible if errors occur in the issuance of these certificates. Cancellation of land ownership certificates can occur because of several factors, including administrative legal defects and following a court decision that has permanent legal force. Administrative legal defects are often caused by negligence on the part of the relevant parties or BPN officials handling the production of the certificate. Therefore, the checking process is very important in the production of land certificates, and strict sanctions are needed for all parties involved (Suslianto, Ismet Hadl, & Desi Andella, 2020).

Article 3 letter (b) of the Regulation of the Minister of Agraria and Spatial Planning/Head of the National Land Agency Number 17 of 2020 concerning the Organization and Work Procedures of the Regional Office of the National Land Agency and the Land Office, namely: “coordinating, fostering, and implementing land surveys and mapping, determining rights and land registration, land redistribution, empowering community land, land stewardship, structuring land according to spatial plans, and structuring coastal areas, small islands, borders and certain areas, land acquisition, land reserves, land consolidation, land development, land utilization, land valuation and land economy, controlling and controlling land tenure and ownership, and the use and utilization of land according to spatial plans, handling and preventing disputes and conflicts and handling land cases”. This is in line with Article 1 point (6) of the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning Handling and Settlement of Land Cases. “Case Handling hereinafter referred to as Handling is a mechanism or process carried out by the Ministry of Agrarian and Spatial Planning / National Land Agency, the Regional Office of the National Land Agency, the Land Office in accordance with the authority in the context of case settlement”. Case settlement, hereinafter referred to as Settlement, is a decision taken on a case as a follow-up to the handling carried out by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, the Regional Office of the National Land Agency, the Land Office according to its authority.

Cancellation of land rights certificates is one way to resolve land conflicts that arise due to errors or losses caused by the decision letter granting land rights or the certificate (legal product). This decree, known as a “beschiking” product, is issued by a state administrative official, such as the Head of the National Land Agency or the Head of the District/City Land Office.

According to Article 55 Point 3 of Government Regulation Number 24 of 1997 concerning land registration; “The recording of the extinguishment of land rights, management rights and ownership rights over apartment units based on a court decision is carried out after a decision letter regarding the extinguishment of the relevant rights is obtained from the Minister or his appointed Official as referred to in Article 52 paragraph (1)” (Article 55 of the Regulation of the Minister of the Republic of Indonesia Number 24 of 1997). and according to Article 1 point 14 of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 21 of 2020 concerning Handling and Settlement of Land Cases, Cancellation is: “Decisions that cancel legal products due to administrative defects and/or juridical defects in their issuance or to implement court decisions that have obtained permanent legal force” (PERMEN ATR/BPN Number 21 of 2020).

The cancellation of a legal product of a land right is carried out by an authorized official and is basically caused by two things as mentioned in more detail in Chapter V of the cancellation of legal products Article 29 paragraph 1 of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 21 of 2020 concerning Handling and Settlement of Land Cases, namely:

- a. There are administrative defects and/or juridical defects and/or juridical defects,
- b. In the implementation of a court decision that has permanent legal force.

The authority to cancel legal products is contained in Article 30 of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 21 of 2020 The authority to cancel legal products is given to;

1. The Minister may issue a Cancellation decision due to: administrative defects and/or juridical defects of legal products issued by the Ministry or Regional Offices, and the implementation of court decisions that have permanent legal force that cancel legal products issued by the Ministry.
2. The Head of the Regional Office may issue a decision of Cancellation due to; administrative defects and/or juridical defects against Legal Products issued by the Head of the Land Office; or, implementing a court decision that has permanent legal force that annuls a Legal Product issued by the Head of the Regional Office or the Head of the Land Office.

Cancellation of Legal Products due to administrative defects and/or juridical defects as referred to in Article 29 paragraph (1) letter a is caused: 1) errors in the process/procedure for issuing land rights, registering rights and maintaining land registration data; 2) errors in the measurement process/procedure; 3) errors in the process/procedure for issuing replacement certificates; 4) errors in the process/procedure for issuing certificates of mortgage rights; 5) errors in the application of legislation; 6) errors in the subject of the right; 7) errors in the object of the right; 8) errors in the type of right; 9) overlapping land rights; 10) overlapping with forest areas; 11) errors in the determination of land consolidation; 12) errors in the confirmation of land reform objects; 13) errors in the process of granting permits for the transfer of rights; 14) errors in the process of issuing a decree of cancellation; 15) there is a criminal court decision with permanent legal force that proves the existence of criminal acts of forgery, fraud, embezzlement and / or other criminal acts; there are documents or data used

in the process of issuing certificates that are not the product of the agency based on a certificate from the agency concerned; 17) there is a court decision that in its legal considerations proves the fact that there is a defect in the issuance of the Ministry's legal products and / or a defect in legal acts in the transfer of rights but in the verdict it is not stated explicitly (PERMEN ATR / BPN Number 21 of 2020).

Cancellation of legal products as the implementation of a court decision that has permanent legal force is followed up if the ruling states that it is canceled/has no binding force / has no evidentiary power, including: a) determination of land rights; b) registration of land rights for the first time; c) maintenance of land registration data; d) replacement certificates of land rights; e) certificates of Mortgage Rights; f) cancellation decisions; g) decisions to determine abandoned land; h) certificates of ownership rights over apartment units; i) determination of land consolidation; j) confirmation of land reform object land; k) determination of willingness to provide compensation for former part-time land; l) decision to grant location permits covering cross-province; m) Determination of State Administrative Officials within the Ministry in the field of land that is concrete, individual and final.

Cancellation as referred to in paragraph 2 letters (a) to (m) shall be determined by a decree of the Minister or Head of the Regional Office in accordance with the authority as referred to in Article 30 of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 (PERMEN ATR/BPN Number 21 of 2020). The reason that can result in the cancellation of a legal product of a land title certificate that has been issued by a land institution is if the legal product in the form of a land certificate is detrimental to other parties. In addition, cancellation can also occur if there is an administrative defect in the issuance of the certificate, so that the juridical data and physical data do not match and also implement a court order that has permanent legal force (Suslianto, Ismet Hadl, & Desi Andella, 2020).

Of course, these reasons must be supported by relevant evidence, because the success of an application to cancel a land title certificate depends on the clarity and validity of the evidence showing the existence of discrepancies in land registration procedures. Cancellation of legal products, including land rights certificates, is carried out by authorized officials because of administrative defects and / or juridical defects, as well as the implementation of court decisions that have permanent legal force. As the principle of *Contrarius Actus* (Maharani, FD, & Anggoro, T). The mechanism for canceling land rights certificates for administrative and juridical defects concerning the handling of disputes and conflicts is also regulated in Article 6 of the Minister of Agrarian and Spatial Planning/BPN Regulation Number 21 of 2020, among others; 1) Case assessment, 2) Initial Degree, 3) Research, 4) Exposure of research results, 5) Coordination meeting, and 6) Final degree.

Thus, a cancellation decision can be obtained as a form of finalizing the handling of the case. The decision is submitted by the Ministry or Regional Office according to its authority to the Land Office and must be followed up. Article 29 of PERMEN ATR/BPN NUMBER 21 of 2020 explains that before a land certificate is canceled due to administrative or juridical defects, the Ministry or the authorized Regional Office must notify the holder of the land rights and mortgage rights related to the legal product to be canceled. The cancellation decision can be issued by the Minister or the Head of the Regional Office, depending on the type of legal product issued.

According to Article 32 paragraph (2) of Government Regulation No. 24/1997, if a land parcel has been issued a valid certificate in the name of an individual or legal entity that controls it in good faith, other parties who feel they have rights to the land cannot file a claim if within five years after the issuance of the certificate they do not file an objection to the certificate holder or the Head of the Land Office, or do not file a lawsuit with the Court. This provision is also regulated in Article 64 of Government Regulation No. 18 of 2021, which

states that the cancellation of land rights due to administrative defects can only be carried out within the same period. The process of canceling a land certificate through the courts must consider that the object of the dispute is a government product, namely a certificate issued by the land office. The land office functions in the registration of land rights under the National Land Agency (BPN), which is a non-departmental government agency. Every decision from the land office, including land certificates, is a state administrative decision, so the cancellation of certificates is the authority of the State Administrative Court. After obtaining a permanent legal decision, the winning party can apply for administrative adjustments, including the issuance of a decision to cancel the certificate in accordance with applicable regulations.

ahya Harahap underlines the importance of discussing the limits of authority of each court so that the filing of cases is not mistaken. An error in filing a lawsuit or petition may result in it being declared inadmissible due to the court's lack of jurisdiction. In the author's view, an error in filing a lawsuit, even if it is dismissed or denied, can reduce the legitimacy of the decision, as there is a possibility that the deciding court is not authorized. If not careful in determining the right court, the decision can lose legitimacy, even to the point of being null and void. The absolute competence of the District Court is to examine, hear and decide criminal and civil cases in general. The authority of the district court is the authority of the court body to examine certain types of cases that absolutely cannot be examined by other courts, either within the same judicial environment or within another judicial environment. Thorbecke explained, related to the competence of the State Administrative Court, when the subject matter of the dispute (*fundamentum petendi*) lies in the field of public law, the administrative judge has the authority to decide (Dr. Yudi Setiawan, et al, 2017).

The absolute competence of the State Administrative Court in Indonesia includes examining, adjudicating and deciding disputes that arise in the field of state administration between individuals or civil legal entities and state administrative bodies or officials. This also includes personnel disputes and the non-issuance of a decision requested by a person within the time limit specified in the legislation, even though it is actually an obligation of the relevant state administrative body or official. Based on Article 1 point 3 of Law Number 5 of 1986 which has been amended by Law Number 9 of 2004 and Law Number 51 of 2009 concerning State Administrative Courts, it is stated that the object of state administrative disputes is state administrative decisions (Mustari, Zir Nuriyah, et al, 2023).

Land disputes are one of the most common types of conflict in society, and often have to be resolved through the courts. Cancellation of a land title certificate is an administrative action that falls under the authority of the issuing agency or the state administrative court. This is in line with jurisprudence established by the Supreme Court. Supreme Court Decision No. 383K/Sip/1971 dated November 3, 1971. "Declaring void a proof of title issued by an agrarian agency legally does not include the authority of the district court but merely administrative authority. The cancellation of the proof of title must be requested by the party who won the court to the agrarian agency based on the court decision he obtained" (HAPA, Irene Gabriela, 2024). This is also regulated in SEMA No. General Civil/2/SEMA 10 of 2020 that: "Civil judges do not have the authority to cancel certificates, but only have the authority to declare certificates to have no legal force, on the basis that they do not have a valid reason for rights. Certificate cancellation is an administrative action that falls under the authority of the state administrative court" (SEMA No. 10 of 2020).

According to Sudikno Mertokusumo, the law has a function to protect human interests. To ensure these interests are protected, the law needs to be implemented. The implementation of the law can go well and peacefully, but it can also be triggered by legal violations. This violation occurs when a legal subject does not fulfill its obligations or violates the rights of other legal subjects. Therefore, legal subjects whose rights are violated must get legal

protection. The creation of law is certainly to provide certainty to society in every layer. One form of BPN in providing legal certainty by carrying out the duties and responsibilities to carry out administrative activities in the land sector ranging from land data collection to the issuance of certificates. In addition, it is also given the obligation to implement the decision of the TUN court. This is because the BPN is the body authorized to issue certificates so that their revocation or cancellation must also be carried out by the BPN. The expiration of a certificate of right which is a TUN decision can occur because: a) A court decision that has permanent legal force; b) The decisiveness of a state administrative official.

After going through the judicial process it is necessary to obtain a decision from the State Administrative Court on the object of the dispute, which decides to cancel the certificate and the decision has permanent legal force. The party who wins the case must then submit a request for annulment based on the court decision to the local land office/regional office.

This is in line with the case of Cancellation of Land Rights Certificate by BPN Regional Office of West Papua Province.

The BPN Regional Office of West Papua Province carried out this at the request of Merry Gosal, which was based on the decision of the Manokwari District Court Case Number 42/Pdt.G/2021/PN.Mnk.

Contents of Decision:

Based on the request of Meery Gosal and with the decision of the Manokwari District Court Case Number 42/Pdt.G/2021/PN. Mnk. which has been (inkrah). After the BPN Regional Office of West Papua Province conducts research as instructed by applicable laws and regulations (Article 29 Paragraph 1 PERMEN ATR / BPN Number 21 of 2020). Furthermore, the BPN Regional Office of West Papua Province provides the following decision: Declare the Land Ownership Certificate in the Name of the Sangha Theravada Indonesai Foundation, declare it is not a valid proof of land rights, Order the Head of the Manokwari District Land Office to cross out the general list and list of entries in the land registration system, withdraw the original certificate from circulation.

It is known that the National Land Agency, in this case the Regional Office of the Land Agency, has canceled the certificate of the Sangha Theravada Indonesai Foundation on the grounds of an administrative defect based on a decision of the district court that has been (ingkra). The cancellation of the certificate was not carried out in accordance with procedures, because it was based solely on a civil decision which is not the authority of the district court to cancel certificates of land rights (legal products) issued by institutions or government agencies as explained above.

Therefore, the cancellation of a land title certificate does not provide legal certainty and no legal protection. Even if there is a court decision declaring the certificate invalid, the certificate is not immediately canceled, but the party who won the case must submit an application for cancellation through the head of the land office on the basis of the court decision as mandated in Article 33 paragraph (2) of PERMEN ATR / BPN Number 21 of 2020. This needs in-depth research and study because the act of canceling a land certificate is part of the administrative action of a government organ as outlined in the jurisprudence of the Indonesian Supreme Court Decision No. 383K/Sip/1971 dated November 3, 1971. "Declaring void a certificate of title issued by an agrarian agency legally does not fall within the authority of the district court but is merely an administrative authority. The cancellation of the proof of title must be requested by the party who won the court to the agrarian agency based on the court decision he obtained" (HAPA, Irene Gabriela, 2024). This is also regulated in SEMA No. General Civil/2/SEMA 10 of 2020 that: "Civil judges do not have the authority

to cancel certificates, but only have the authority to declare certificates to have no legal force, on the basis that they do not have valid reasons for rights. Certificate cancellation is an administrative action that falls under the authority of the state administrative court" (SEMA 10/2020).

CONCLUSION

The validity of the cancellation of a land certificate depends on compliance with legislation, AUPB and legal procedures. Cancellation can be carried out because of administrative defects, juridical defects or a court decision with permanent legal force, with the authority vested in the Minister or the Head of the BPN Regional Office. The PTUN is authorized to handle disputes over certificates as KTUN, while the district court can only declare invalidity. The West Papua case demonstrates the importance of correct procedures to ensure legal certainty. The BPN must take responsibility for administrative errors, including providing compensation if necessary.

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