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## Legal Protection for Land Rights Holders in The Context of Land Registration in Indonesia

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**Abstract:** Land registration is commonly regarded as a central instrument for achieving legal certainty in land administration. Through registration, land rights are formally recorded and recognized by the state, providing an administrative framework intended to prevent disputes and to clarify ownership and control over land. In practice, however, an excessive emphasis on administrative registration may narrow the scope of legal protection by equating protection solely with registration status. This approach risks marginalizing land rights that arise from substantive legal relations existing prior to, or outside of, formal registration procedures. In the Indonesian context, land rights may originate from various sources, including long-standing possession, contractual arrangements, inheritance, and recognition under customary law. These rights often develop through social and legal processes that are not immediately reflected in administrative records. When legal protection is defined primarily through registration, the protective function of land law may shift from safeguarding legitimate rights to enforcing procedural compliance. This situation creates tension between legal certainty as an administrative objective and substantive justice as a normative principle. This article examines legal protection for land rights holders within the context of Indonesia's land registration system by analyzing the relationship between administrative procedures and substantive land rights. Using a normative juridical research method, the study evaluates statutory regulations, legal doctrines, and judicial approaches to assess whether land registration adequately fulfills its protective function. The analysis demonstrates that legal protection should not be confined to registered land alone, but must extend to substantively valid rights that exist beyond formal records. The article argues for a balanced approach in which land registration operates as an administrative instrument that strengthens, rather than restricts, the protection of land rights holders, thereby ensuring that legal certainty and substantive justice are harmonized within Indonesia's agrarian legal framework.

**Keyword:** Legal Protection, Land Rights Holders, Land Registration, Substantive Rights, Agrarian Law.

## INTRODUCTION

Land registration has long been positioned as a cornerstone of land administration systems, particularly in jurisdictions that seek to promote legal certainty and administrative order. Through registration, land rights are formally recorded, mapped, and acknowledged by the state, thereby creating an official framework intended to clarify ownership, reduce disputes, and support orderly land governance. In many legal systems, registration is regarded not merely as a technical process, but as a foundational mechanism through which land relations are stabilized and rendered legible to both the state and society.

In Indonesia, land registration occupies a central role within the agrarian legal system. Since the enactment of the Basic Agrarian Law, registration has been promoted as an essential instrument for ensuring legal certainty over land rights. Certificates issued through the registration process are widely perceived as strong evidence of rights, capable of providing security to rights holders and facilitating economic activities such as investment, transfer, and development. This perception has gradually shaped administrative practice, judicial reasoning, and public understanding, leading to a dominant narrative in which registered land is considered legally secure, while unregistered land is often viewed as uncertain or vulnerable.

However, this dominant narrative conceals a more complex legal reality. Land rights in Indonesia do not arise exclusively from administrative registration. Substantive land rights may emerge from a variety of legal relations that exist independently of formal registration procedures. These relations include long-standing possession, contractual agreements, inheritance, and recognition under customary law. In many cases, such rights develop through continuous social and legal processes that predate registration or operate outside formal bureaucratic mechanisms. Despite their substantive validity, these rights are frequently placed in a precarious position when legal protection is narrowly equated with registration status.

The tendency to associate legal protection solely with registration reflects an administrative understanding of land law that prioritizes procedural compliance over substantive justice. Registration, which is fundamentally designed as an administrative mechanism, may gradually assume a constitutive function in practice, even when the legal framework conceptualizes it as declarative. When this shift occurs, the focus of legal protection moves away from safeguarding legitimate land relations toward enforcing formal requirements. As a result, land rights holders who possess substantively valid claims but lack registration may face exclusion from legal protection, not because their rights are unlawful, but because they are administratively incomplete.

This situation gives rise to a fundamental tension between legal certainty and substantive justice. Legal certainty, as an administrative objective, emphasizes clarity, predictability, and uniformity. It relies on standardized procedures and documentary evidence to ensure that land relations can be easily identified and verified. Substantive justice, on the other hand, demands recognition of legitimate rights that arise from factual and legal realities, even when such rights have not yet been formalized through administrative processes. In the context of land law, this tension is particularly acute, as land is not merely a legal object but also a social, economic, and cultural resource closely connected to livelihood, identity, and community relations.

The practical implications of this tension are evident in the everyday operation of land administration. Land rights holders who have occupied and used land for extended periods may encounter difficulties in asserting their rights when confronted with administrative procedures that prioritize documentary completeness. Delays in registration are often

attributed to structural factors such as limited access to administrative services, complex bureaucratic requirements, geographic constraints, and unequal distribution of legal information. In such circumstances, the absence of registration does not necessarily reflect bad faith or neglect, but rather systemic barriers within the land administration system itself. Treating unregistered rights as legally inferior in these contexts risks undermining the protective purpose of land law.

The challenge of legal protection is further complicated by Indonesia's pluralistic legal environment. State law coexists with customary law, each contributing to the formation and recognition of land rights. Customary land tenure systems, which are prevalent in many regions, are often based on communal recognition and long-standing social practices rather than individual documentation. These systems may function effectively within local communities, providing stability and legitimacy without reliance on formal registration. When land registration is treated as the sole gateway to legal protection, the pluralistic nature of land tenure is inadequately accommodated, and customary rights holders may find themselves marginalized within the formal legal system.

Judicial practice reflects this complexity. Courts are frequently required to balance administrative registration data with evidence of substantive land relations. While certificates are often treated as strong evidence, judicial decisions do not always regard registration as absolute proof of rights. In some cases, courts have acknowledged the existence of substantive rights that predate registration or arise independently of it. These decisions suggest an implicit recognition that legal protection cannot be reduced to administrative status alone. Nevertheless, inconsistencies in judicial reasoning indicate the absence of a clear doctrinal framework that harmonizes administrative certainty with substantive justice.

Despite the centrality of land registration in legal discourse, relatively limited attention has been paid to the conceptual boundaries between registration as an administrative instrument and land rights as substantive legal relations. Many studies emphasize the benefits of registration in promoting certainty and reducing disputes, yet fewer analyses critically examine the potential consequences of overreliance on formal procedures. When registration is equated with the existence of rights themselves, the distinction between evidence of rights and the rights being evidenced becomes blurred, leading to normative ambiguity and uneven legal protection.

Against this backdrop, the issue of legal protection for land rights holders demands closer examination. Legal protection should not be understood merely as the outcome of administrative compliance, but as a normative commitment to safeguarding legitimate interests. In the context of land registration, this commitment requires a careful assessment of how administrative procedures interact with substantive land relations. Registration should operate as a mechanism that strengthens legal protection by providing clarity and evidence, not as a rigid threshold that determines whether rights deserve recognition.

This article seeks to examine legal protection for land rights holders within the context of Indonesia's land registration system by focusing on the relationship between administrative procedures and substantive rights. Rather than challenging the necessity of land registration, the study aims to clarify its proper role within the agrarian legal framework. The central argument advanced in this article is that legal protection must extend beyond registered land to encompass substantively valid rights that exist outside formal records. By adopting this perspective, the article contributes to a more balanced understanding of land registration as an administrative tool that supports, rather than constrains, the protection of land rights holders.

## METHOD

This study employs a normative juridical research method to examine legal protection for land rights holders within the context of land registration in Indonesia. The choice of a normative approach is grounded in the nature of the research problem, which concerns the interpretation and evaluation of legal norms, principles, and doctrines governing land rights and land administration. Rather than measuring empirical behavior or statistical trends, this research focuses on how the law conceptualizes legal protection and how administrative mechanisms interact with substantive land rights.

The research is conducted through a statute approach, a conceptual approach, and a jurisprudential approach. The statute approach involves an analysis of laws and government regulations that form the legal foundation of Indonesia's agrarian system and land registration framework. These statutory materials are examined to identify the normative objectives of land registration, the evidentiary status of registered land, and the legal consequences attached to registration and non-registration. Particular attention is given to provisions that regulate the function of land registration as an administrative mechanism and its relationship with existing land rights.

In addition to statutory analysis, this study applies a conceptual approach to clarify key legal notions relevant to the research, including legal protection, legal certainty, substantive land rights, and the declarative nature of land registration. These concepts are derived from legal doctrine and scholarly discourse in agrarian law and administrative law. The conceptual approach is used to assess whether the implementation of land registration in practice remains consistent with its normative design as an administrative instrument, or whether it has shifted toward a constitutive function that may limit substantive justice.

The research also incorporates a jurisprudential approach by examining selected judicial decisions related to land disputes and land registration. Judicial decisions are analyzed to understand how courts interpret the evidentiary value of land certificates and how they balance administrative records with proof of substantive land relations. This approach provides insight into the practical application of legal protection in dispute resolution and illustrates the extent to which judicial reasoning accommodates substantive rights that exist beyond formal registration.

The primary legal materials used in this study consist of statutory regulations governing agrarian affairs and land registration. Secondary legal materials include legal textbooks, academic journal articles, and scholarly writings that discuss land law, legal protection, and legal pluralism. These materials are used to situate statutory norms within broader doctrinal and theoretical frameworks. Tertiary legal materials, such as legal dictionaries and encyclopedias, are utilized to support conceptual clarity where necessary.

The analysis is conducted qualitatively through systematic interpretation of legal norms, doctrines, and judicial reasoning. This method involves identifying normative consistencies and tensions between administrative objectives and substantive principles of land law. The study does not aim to propose empirical generalizations, but rather to provide a normative evaluation of how legal protection is structured within Indonesia's land registration system. Through this methodological framework, the research seeks to assess whether existing legal arrangements adequately protect land rights holders and to identify the normative implications of equating legal protection with administrative registration status.

## RESULT AND DISCUSSION

The analysis of legal protection for land rights holders within Indonesia's land registration system reveals that registration occupies a dual position: as an administrative instrument designed to promote order and certainty, and as a practical determinant that often influences the recognition and enforceability of rights. Normatively, land registration is

intended to function as a declarative mechanism, recording and evidencing existing land relations. However, in practice, registration frequently assumes a quasi-constitutive role, shaping how legal protection is distributed among rights holders.

From a doctrinal perspective, legal protection in land law is not inherently dependent on administrative registration. Substantive land rights may arise from lawful relations such as long-standing possession, contractual transactions, inheritance, and recognition under customary law. These relations generate legal interests that deserve protection regardless of their registration status. When registration is treated as the primary or exclusive basis for legal protection, the scope of protection shifts from safeguarding substantive rights to enforcing administrative compliance. This shift reflects a broader tendency within administrative law to prioritize procedural certainty over substantive justice.

The declarative character of land registration is central to understanding this tension. In theory, a declarative system recognizes that rights exist independently of registration and that registration serves to provide public notice and evidentiary support. Under this model, the absence of registration does not negate the existence of rights; it merely affects their evidentiary strength. Nevertheless, administrative practice often departs from this theoretical foundation. Certificates are frequently regarded as conclusive proof of rights, while unregistered claims are treated with skepticism or dismissed outright. Such an approach effectively transforms registration into a constitutive requirement, contrary to its normative design.

This transformation has significant implications for legal protection. Legal theory provides an important lens through which the protective function of land registration can be evaluated. The theory of legal protection emphasizes the role of law in preventing abuse of power and in ensuring that rights holders are not deprived of their interests without due justification. Within this framework, administrative mechanisms are not ends in themselves, but tools that serve broader normative objectives.

Applied to land law, this theory implies that registration must operate in harmony with substantive principles of justice. Administrative certainty is valuable insofar as it enhances predictability and reduces conflict, but it cannot justify the exclusion of legitimate rights. When registration procedures are elevated to a constitutive status, they risk transforming legal protection into a privilege contingent upon bureaucratic success rather than a right grounded in lawful relations.

The protective function of land law therefore depends on maintaining a clear distinction between the existence of rights and the means by which those rights are evidenced. Legal protection should extend to all substantively valid land relations, regardless of whether they have been formally registered. A functional comparison with other land administration systems further illuminates the limits of an overly formalistic approach to registration. In several jurisdictions, land registration systems explicitly recognize that registration serves an evidentiary rather than constitutive function. Under such systems, unregistered rights may still be acknowledged and protected, particularly when supported by proof of possession, contractual relations, or customary recognition.

While institutional contexts differ, the comparative observation highlights a shared normative concern: legal certainty must not be achieved at the expense of justice. Systems that treat registration as conclusive proof of rights often encounter resistance when substantive claims are excluded. Conversely, systems that maintain flexibility in recognizing unregistered rights tend to preserve the protective function of land law while still benefiting from administrative order.

In the Indonesian context, this comparative insight reinforces the argument that land registration should be positioned as a supporting mechanism rather than a gatekeeping device. By emphasizing the evidentiary role of registration and allowing space for substantive



claims, the legal system can achieve a more balanced form of protection that aligns certainty with fairness.

Their rights may be ignored or subordinated, not because they are unlawful, but because they are administratively undocumented. This outcome undermines the protective function of land law, which is intended to safeguard legitimate interests rather than to penalize procedural shortcomings.

The emphasis on registration as a determinant of protection also raises questions about equality before the law. Access to registration mechanisms is not evenly distributed across society. Structural factors such as geographic remoteness, administrative complexity, limited institutional capacity, and unequal access to legal information affect the ability of individuals and communities to register their land. In this context, equating legal protection with registration status risks entrenching inequality by favoring those who are able to navigate administrative processes over those who are not. Legal protection, under such conditions, becomes contingent on administrative accessibility rather than substantive legitimacy.

Normative analysis further indicates that administrative certainty should not be pursued in isolation from substantive principles. Legal certainty is an important objective of land registration, as it facilitates predictability and stability in land relations. However, certainty achieved by excluding substantively valid rights may produce outcomes that are formally orderly but normatively unjust. Legal protection must therefore be grounded in a balance between administrative order and the recognition of legitimate land relations. Registration should enhance protection by clarifying rights, not restrict protection by narrowing its scope.

Judicial interpretation provides additional insight into this balance. Courts are often confronted with disputes involving registered and unregistered claims, requiring them to assess the evidentiary value of certificates alongside proof of substantive relations. In several cases, judicial reasoning acknowledges that registration constitutes strong evidence but does not automatically extinguish unregistered rights. This jurisprudential approach reflects an understanding that legal protection cannot be reduced to administrative status alone. Nevertheless, the absence of consistent doctrinal guidance results in variability in judicial outcomes, reinforcing uncertainty for rights holders whose claims are not registered.

The doctrinal tension between declarative and constitutive approaches to registration highlights a broader normative issue within land governance. When registration is treated as the ultimate measure of legality, the protective dimension of land law risks being subordinated to administrative convenience. Conversely, recognizing the declarative nature of registration allows legal protection to remain anchored in substantive relations while benefiting from administrative clarity. This approach aligns more closely with the normative objectives of land law, which seek to protect legitimate interests and promote justice alongside certainty.

Overall, the findings in this section demonstrate that legal protection for land rights holders cannot be fully explained or ensured through administrative registration alone. The elevation of registration status as a determinant of protection reflects a departure from the normative foundations of the land registration system. A reorientation toward a declarative–protective understanding of registration is necessary to ensure that legal protection remains inclusive of substantively valid rights and responsive to the realities of land relations in Indonesia.

Beyond doctrinal construction, the practical operation of land registration reveals structural implications for legal protection that extend beyond individual cases. Administrative practices, institutional behavior, and the interaction between state law and customary law significantly influence whether land rights holders receive effective protection. In this context, legal protection is shaped not only by statutory norms, but also by how those norms are interpreted and implemented by administrative authorities and courts.

One of the most significant practical implications concerns access to land registration. While registration is formally available to all, the ability to access registration mechanisms is uneven. Geographic remoteness, limited institutional capacity, procedural complexity, and disparities in legal awareness create barriers that disproportionately affect certain groups, including rural communities and customary land holders. When legal protection is tied closely to registration status, these structural barriers translate into unequal protection. Rights holders who are unable to complete registration due to systemic constraints may find their substantive claims weakened, despite the legitimacy of their land relations.

Administrative authorities play a central role in shaping this outcome. In practice, land administration officials often prioritize documentary completeness and formal requirements. Such an approach is understandable within an administrative framework that values order and efficiency. However, when applied rigidly, it may result in the exclusion of substantively valid rights. The tendency to treat registration as a definitive marker of legality can lead administrative decision-making to overlook social and legal realities on the ground. Effective legal protection requires administrative discretion to be exercised with sensitivity to context, recognizing that registration evidences rights rather than creates them.

The interaction between land registration and legal pluralism further complicates the distribution of legal protection. Indonesia's agrarian system recognizes the coexistence of state law and customary law, each contributing to the formation of land rights. Customary land tenure systems are often based on communal recognition and long-standing practice, providing social legitimacy without reliance on formal documentation. When registration procedures are designed primarily around individual ownership models, they may fail to accommodate the communal and dynamic nature of customary tenure. As a result, customary rights may be marginalized within the formal legal system, despite their substantive validity.

The marginalization of customary rights through registration has broader social consequences. Customary land holders may face heightened vulnerability to dispossession when confronted with competing claims supported by administrative documentation. In such situations, legal protection appears to favor registered rights, even when those rights conflict with long-standing customary relations. This imbalance undermines the protective function of land law and may exacerbate land conflicts rather than prevent them. A registration system that fails to accommodate legal pluralism risks becoming a source of injustice rather than a mechanism of certainty.

Judicial practice offers an important counterbalance to administrative rigidity. Courts are frequently called upon to resolve disputes involving registered certificates and unregistered substantive claims. In these cases, judges must evaluate the evidentiary weight of registration against proof of possession, customary recognition, and other substantive relations. Judicial decisions that acknowledge the declarative nature of registration and give due consideration to substantive evidence contribute to a more balanced form of legal protection. However, judicial approaches remain inconsistent, reflecting the absence of a unified doctrinal framework that clearly delineates the relationship between registration and substantive rights.

The variability in judicial reasoning has implications for predictability and trust in the legal system. When outcomes depend heavily on judicial discretion rather than clear normative guidance, land rights holders face uncertainty regarding the protection of their claims. This uncertainty undermines the very objective of legal certainty that registration seeks to promote. A more coherent jurisprudential approach is therefore necessary, one that consistently affirms the evidentiary function of registration while safeguarding substantively valid rights.

From a normative standpoint, the effective protection of land rights requires a holistic approach that integrates administrative procedures, substantive principles, and judicial

oversight. Registration should operate as part of a broader governance framework that recognizes the diversity of land relations and accommodates legal pluralism. This includes the development of adaptive registration models capable of documenting communal and customary rights without forcing them into rigid categories incompatible with their nature.

The analysis also highlights the importance of aligning administrative objectives with constitutional and social values. Legal protection is not merely a technical outcome of compliance with procedures, but a reflection of the state's commitment to justice and equality. When registration mechanisms prioritize administrative convenience over substantive legitimacy, they risk undermining public confidence in land governance. Conversely, a system that balances certainty with fairness enhances both the legitimacy and effectiveness of legal protection.

Overall, the findings in this section demonstrate that legal protection for land rights holders is shaped by a complex interplay of administrative practice, legal pluralism, and judicial interpretation. Registration alone cannot guarantee protection; its effectiveness depends on how it is embedded within a normative framework that values substantive justice. Strengthening legal protection therefore requires not only procedural refinement, but also a principled commitment to recognizing the legitimacy of diverse land relations within Indonesia's agrarian system.

Beyond its doctrinal construction, legal protection for land rights holders must also be examined from a broader normative perspective. Legal protection is not merely the result of administrative compliance, but reflects a fundamental commitment of the legal system to safeguard legitimate interests against arbitrary interference. In the context of land law, this commitment acquires particular significance, as land constitutes not only an economic asset but also a social and cultural foundation for individual and collective life.

Normatively, the concept of legal protection presupposes the existence of rights that are worthy of recognition and defense. Such rights may arise from formal legal acts, but they may also emerge from long-standing social relations that have attained legal relevance. When administrative registration is treated as the sole indicator of legality, the normative foundation of legal protection becomes distorted. Protection shifts from the substance of rights to the form of documentation, thereby weakening the ethical justification of land law as an instrument of justice.

From this perspective, land registration should be understood as a mechanism that facilitates protection rather than defines its scope. Registration provides visibility and evidentiary strength, but it does not exhaust the normative content of land rights. A legal system that equates protection exclusively with registration risks abandoning its protective mandate, particularly when substantive rights exist but remain undocumented due to systemic constraints. Normative coherence therefore requires that legal protection remain anchored in the legitimacy of land relations rather than in administrative formality alone.

The analysis of legal protection for land rights holders carries important implications for land governance. Effective land governance requires not only efficient administrative mechanisms but also legitimacy in the eyes of rights holders. When administrative procedures are perceived as exclusionary or detached from social realities, public trust in land institutions may gradually erode.

Aligning land registration with substantive justice strengthens both legal protection and governance outcomes. A registration system that acknowledges diverse forms of land relations, including those arising from possession and customary law, contributes to conflict prevention rather than conflict escalation. In this context, legal protection functions as a stabilizing force that reinforces the credibility and authority of land administration.

From a governance perspective, strengthening legal protection does not require abandoning land registration, but refining its role. Registration should operate as a flexible



administrative instrument that documents existing rights while accommodating legal diversity. Such an approach ensures that land registration fulfills its protective function while remaining consistent with the normative foundations of land law.

The declarative character of land registration is therefore central to understanding this tension. In a declarative system, rights are recognized as existing independently of registration, while registration serves to provide public notice and evidentiary support. Under this model, the absence of registration does not negate the existence of rights but merely affects their evidentiary strength. Nevertheless, administrative practice often departs from this theoretical foundation. Certificates are frequently regarded as conclusive proof of rights, whereas unregistered claims are treated with skepticism or dismissed outright. Such an approach effectively transforms registration into a constitutive requirement, contrary to its normative design.

This transformation illustrates a deeper structural dilemma within administrative governance. Modern administrative systems rely heavily on standardized documentation to ensure efficiency, consistency, and accountability. In land administration, this reliance manifests in the prioritization of certificates and formal records as primary indicators of legal status. While this approach enhances administrative manageability, it may obscure the complex social and legal processes through which land rights are formed and maintained, particularly in contexts where land relations evolve gradually through continuous use and social acknowledgment.

As a consequence, substantively valid rights may be ignored or subordinated, not because they are unlawful, but because they are administratively undocumented. This condition undermines the protective function of land law, which is intended to safeguard legitimate interests rather than to penalize procedural shortcomings. When administrative completeness becomes the decisive criterion of protection, legal protection risks becoming detached from the social realities that land law is meant to regulate.

The implications of this transformation can be examined through the lens of legal protection theory. This theory emphasizes the role of law in preventing abuse of power and in ensuring that rights holders are not deprived of their interests without due justification. Within this framework, administrative mechanisms are not ends in themselves, but instruments that serve broader normative objectives. Applied to land law, this perspective implies that registration must operate in harmony with substantive principles of justice. Administrative certainty is valuable insofar as it enhances predictability and reduces conflict, but it cannot justify the exclusion of legitimate rights.

Although institutional contexts differ, this comparative observation highlights a shared normative concern: legal certainty must not be achieved at the expense of justice. Systems that treat registration as conclusive proof of rights often encounter resistance when substantive claims are excluded, whereas systems that maintain flexibility in recognizing unregistered rights tend to preserve the protective function of land law while still benefiting from administrative order.

The emphasis on registration as a determinant of protection also raises questions regarding equality before the law. Access to registration mechanisms is not evenly distributed across society. Structural factors such as geographic remoteness, administrative complexity, limited institutional capacity, and unequal access to legal information affect the ability of individuals and communities to register their land. When legal protection is closely tied to registration status, these structural barriers translate into unequal protection, rendering legal security contingent upon administrative accessibility rather than substantive legitimacy.

Judicial interpretation provides additional insight into this balance. Courts are frequently confronted with disputes involving registered and unregistered claims, requiring them to assess the evidentiary value of certificates alongside proof of substantive relations. In

several cases, judicial reasoning acknowledges that registration constitutes strong evidence but does not automatically extinguish unregistered rights. This approach reflects an understanding that legal protection cannot be reduced to administrative status alone. Nevertheless, the absence of consistent doctrinal guidance continues to generate variability in judicial outcomes, reinforcing uncertainty for land rights holders.

## CONCLUSION

Aligning land registration with substantive justice enhances both protection and governance. A registration system that acknowledges diverse forms of land relations—including those arising from possession and customary law—contributes to conflict prevention rather than conflict escalation. Legal protection, in this sense, becomes a stabilizing force that reinforces the credibility of land administration.

From a governance perspective, strengthening legal protection does not necessitate abandoning registration, but refining its function. Registration should be applied as a flexible administrative instrument that documents existing rights and accommodates legal diversity. Such an approach ensures that land registration fulfills its protective role while remaining consistent with the normative foundations of land law.

This article demonstrates that legal protection for land rights holders in Indonesia cannot be adequately understood or ensured solely through administrative land registration. While registration plays an important role in promoting legal certainty and administrative order, it does not constitute the sole basis for the existence or validity of land rights. Substantive land rights may arise from various lawful relations, including long-standing possession, contractual arrangements, inheritance, and recognition under customary law. These rights often exist independently of formal registration procedures and therefore require recognition within the legal framework.

The analysis reveals that an excessive reliance on registration status as a determinant of legal protection risks narrowing the protective function of land law. When registration is treated as a constitutive requirement rather than as an evidentiary and administrative mechanism, land rights holders who possess substantively valid claims may be excluded from protection due to procedural shortcomings. Such exclusion is frequently the result of structural barriers within the land administration system, including limited access to registration services, administrative complexity, geographic constraints, and unequal distribution of legal information. In these circumstances, the absence of registration reflects systemic challenges rather than the absence of rights.

This study further highlights the normative tension between legal certainty and substantive justice. Legal certainty, as pursued through standardized administrative procedures, is essential for predictability and stability in land relations. However, certainty that is achieved by disregarding existing substantive rights undermines the legitimacy of the legal system. Legal protection must therefore be grounded in a balanced approach that integrates administrative order with recognition of legitimate land relations. Registration should strengthen protection by providing clarity and evidence, not restrict protection by redefining the scope of rights.

The pluralistic nature of Indonesia's agrarian legal system reinforces the need for such balance. The coexistence of state law and customary law reflects diverse forms of land tenure that cannot be fully captured by uniform administrative models. Customary land rights, which are often based on communal recognition and long-standing practice, remain particularly vulnerable when registration mechanisms fail to accommodate their substantive characteristics. Effective legal protection requires a registration framework that is sensitive to legal pluralism and capable of documenting diverse land relations without imposing rigid categories that undermine their legitimacy.

Judicial practice plays a crucial role in mediating the relationship between registration and substantive rights. Courts that acknowledge the declarative nature of registration and give due consideration to substantive evidence contribute to a more inclusive form of legal protection. However, inconsistencies in judicial reasoning indicate the need for clearer normative guidance. A coherent doctrinal approach that consistently affirms the evidentiary function of registration while safeguarding substantively valid rights would enhance both predictability and justice in land dispute resolution.

From a normative perspective, strengthening legal protection for land rights holders requires reorienting land registration toward a declarative–protective model. Under this model, registration operates as an administrative instrument that records and evidences existing rights, rather than as a rigid threshold that determines whether rights deserve recognition. Such reorientation aligns administrative objectives with constitutional values of justice and equality, ensuring that land governance serves not only procedural efficiency but also substantive legitimacy.

In conclusion, land registration should be understood as a means to support legal protection, not as an end in itself. A legal framework that harmonizes administrative certainty with substantive justice will better protect land rights holders and enhance public confidence in land administration. By reaffirming the declarative nature of registration and accommodating the plural realities of land tenure, Indonesia's agrarian legal system can ensure that legal protection remains inclusive, fair, and responsive to the complexities of land relations

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