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Fulfillment of the Principle of Delimitation Contradictions in Land Registration

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Abstract

The research findings indicate that the idea of conflicting borders is a crucial tenet in land registration to guarantee legal clarity concerning the physical data of property parcels. This approach is executed by establishing land boundaries according to agreements between neighbouring parties and in compliance with Government Regulation Number 24 of 1997. This idea serves both technical and legal protective duties to avert disputes and overlapping rights. Consequently, data precision and the engagement of pertinent stakeholders are essential for achieving legal certainty and systematic land administration. The Banda Aceh Administrative Court Decision Number 05/G/2017/PTUN-BNA demonstrates that non-adherence to

the principle of conflicting delimitation may result in procedural inaccuracies in the granting of land title certificates. The Panel of Judges asserted that measuring and boundary determination conducted without the involvement of adjacent parties contravene the stipulations of land administration legislation and the General criteria of Good Governance (AUPB), especially the criteria of precision and legal certainty. Thus, the certificate may be annulled due to administrative deficiencies. Consequently, the principle of conflicting delimitation is a crucial criterion for assessing the validity of a certificate and provides legal safeguards against land disputes.

Keywords: Delimitation, Contradiction, Land, Registration

Introduction

Land has a very important role in people's lives because it is used as a place to live, a means of social activities, and has economic, social and cultural value.¹ As the population increases and development increases, the need for land also increases, making land an object of high value, both from an economic and legal perspective. On the other hand, the relatively fixed land area often gives rise to problems related to control, ownership, and use of land. Therefore, the state, through Article 33 paragraph (3) of the 1945 Constitution, states that the earth, water, and all natural resources contained therein are under the control of the state and are used for the greatest prosperity of the people. This article serves as the basis for the state in providing legal certainty regarding land rights through the implementation of land registration.

Land registration is crucial for legal protection and certainty for land rights holders. In accordance with Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), the government is authorized to conduct land registration efforts to ensure legal certainty in the land sector. Legal certainty is achieved by issuing land title certificates, which serve as legally recognized proof of ownership.² Furthermore, Government Regulation Number 24 of 1997 concerning Land Registration states that the land registration process includes the collection, management, recording, and presentation of physical and legal data, which is carried out continuously to achieve orderly governance in the land sector.

However, during its implementation, the land registration process still often experiences various administrative problems that can trigger land disputes. One of the problems that often occurs is the failure to properly implement these principles in

¹ Purba, Rudy Patar Purwanto, Arifin Muhammad, and Ruslan, "Application of the Principle of Contradictory Delimitation in the Framework of Complete Systematic Land Registration (Study at the Medan City Land Office)", *Al-Mursalah Journal*, Vol. 6 No. 1, 2020, p. 34.

² Pamitri and Surya Perdana, "Factors Inhibiting the Implementation of Complete Systematic Land Registration (PTSL) at the Simalungun Regency Land Office", *Jurnal Notarius*, Vol. 1 No. 1, 2022, p. 122.

determining land ownership boundaries. This principle requires an agreement between both owners of land objects directly adjacent to the boundaries of the land object to be measured and registered, as regulated in Articles 17, 18, and 19 of Government Regulation No. 24 of 1997. The implementation of this principle is very urgent because it is directly related to the accuracy of physical land data and to prevent uncertainty regarding land ownership objects.

In the Decision of the PTUN (State Administrative Court) Banda Aceh Number 05/G/2017/PTUN-BNA, illustrates the principle of contradictory limitations in land registration. This dispute began when the plaintiffs, namely CH and ER, wanted to sell the land they obtained from their parents' grant. However, during the process of making the Deed of Sale and Purchase (AJB), it was discovered that the land was already registered and had a Certificate of Ownership Number 00010 in the name of another person, namely RA, who was unknown to the plaintiffs. This situation indicates a serious problem in land administration, especially in the rules for issuing land certificates.

The plaintiffs believe the issuance of the certificates was administratively flawed because the land boundary determination process was carried out without involving all land ownership rights adjacent to the disputed object. The absence of involvement of interested parties indicates that the process of measuring and determining the boundaries of the land object was not carried out in accordance with the principles contained in the principle of contradictory delimitation and the provisions of Government Regulation No. 24 of 1997 concerning Land Registration. This principle is crucial for verifying that physical land information is accurate and that land ownership is not overlapping. If this principle is not implemented correctly, it indicates a lack of thoroughness in the administrative inspection process by land officials and can be detrimental to the actual land owner, as well as creating legal uncertainty in the land sector.

In its legal considerations, the Panel of Judges found procedural irregularities in the land measurement and boundary determination process carried out by the National Land Agency (BPN) in Nagan Raya Regency. The parties identified as signatories in the Legal Research and Boundary Determination Report stated that they never signed the document, while other parties also listed as signatories were known to have died long before the measurement process was carried out. These facts indicate an indication of substantial administrative defects in the issuance of land title certificates, so that the validity of the data used in the land registration process is questionable. Based on these considerations, the Banda Aceh Administrative Court decided to cancel the Land Ownership Certificate Number 00010 and required the Nagan Raya Regency Land Office to revoke the certificate.

The ruling demonstrates that ignoring the principle of contradictory delimitation can have serious implications for the validity of land title certificates and undermine the purpose of land registration as a method of ensuring legal certainty and protection. Therefore, examining the application of the principle of contradictory delimitation in land registration is crucial to evaluating the effectiveness of the principle of certainty of legal norms practiced in the land registration process in Indonesia.

Methodology

This research uses a normative juridical research approach, which focuses on the study of regulations and legal principles related to the application of the principle of contradictory limitations in land registration.³ This research employs three methods: the legislative method, the conceptual method, and the case study method. The legislative method involves analyzing regulations related to land registration, while the conceptual method aims to understand legal theories and principles regarding legal certainty and protection in the land sector. Meanwhile, the case study method is conducted by analyzing the Decision of the Banda Aceh State Administrative Court (PTUN) Number 05/G/2017/PTUN-BNA.

The legal materials used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and court decisions, while secondary legal materials come from publications, academic journals, and research findings relevant to the topic.⁴ Legal materials were collected through a literature review, examining various regulations, books, journals, and other legal materials related to the principle of contradictory limitations. Furthermore, all of this legal material was analyzed qualitatively and descriptively to gain a systematic understanding of the application of the principle of contradictory limitations in legalizing land ownership rights and its impact on the legal certainty of land rights.

Discussion

Theoretical Study Regarding Land Registration and the Principle of Delimitation Contradiction

Land registration serves as a legal instrument for legal certainty and protection of rights. Normatively, the implementation of land registration in Indonesia follows Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), which requires the state to implement land registration to ensure legal certainty in the land sector. These regulations are further detailed in Government Regulation Number 24 of 1997 concerning Land Registration, which stipulates that registration of land ownership rights includes a series of activities carried out by the authorized government in a consistent and systematic manner, starting with the collection, processing, recording, presentation, and maintenance of physical and legal land data.⁵ In land administration law, land registration is not merely an administrative matter for issuing certificates, but also serves as a tool for providing legal protection. Through land registration, the legal relationship between the rights owner (subject) and the land (object) becomes clearer and is officially validated by the state.⁶ Therefore, in the land registration process, both physical and legal data must be completely accurate. This is crucial to ensure the issued certificate serves as strong and legally reliable proof of ownership.

³ Soerjono Soekanto, *Introduction to Legal Research*, Jakarta: UI Press, 2006, p. 51.

⁴ Muhaimin, *Legal Research Methods*, Mataram: Mataram University Press, 2020, pp. 67-68.

⁵ Article 1 number 1 of Government Regulation Number 24 of 1997 concerning Land Registration.

⁶ Boedi Harsono, *Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Contents and Implementation*, Jakarta: Djambatan, 2008, p. 472.

Theoretically, land registration aims to achieve legal certainty and protection through clarity regarding the subject, object, and legal status of land, thereby preventing land disputes. However, in practice, this goal is often hampered by weak administrative verification, inconsistencies in physical data, and failure to comply with land boundary determination procedures. Consequently, land title certificates cannot be viewed as completely conclusive proof. They are still subject to revocation if administrative or procedural errors are proven.⁷ Thus, the quality of land registration implementation is largely determined by the compliance of land officials with the general principles of good governance and the provisions of applicable land laws.

One of the important principles when carrying out land registration is the principle of contradictory delimitation (*contradictoire delimitatie*), namely the principle that requires the agreement of the parties directly adjacent to the determination of the boundaries of a plot of land.⁸ Substantively, the principle of contradictory delimitation is essentially a form of preventative legal protection. Its purpose is to prevent overlapping land boundaries or future ownership disputes. Through this principle, adjacent landowners are also required to participate to ensure that the established boundaries reflect actual conditions on the ground.

From a land law perspective, the application of the principle of contradictory delimitation is closely related to the principles of legal certainty and the accuracy of land data. Determining land boundaries without the consent of the adjacent parties has the potential to create regulatory and legal flaws in the issuance of land title certificates. This problem demonstrates that the success of land registration is not solely determined by the fulfillment of formal administrative procedures, but also by the material validity of the data used in measuring and determining land boundaries.⁹ Therefore, the principle of contradictory delimitation cannot be considered merely a technical step in land measurement. More than that, this principle is a crucial principle that helps achieve legal certainty, protect community rights, and ensure compliance with land administration in Indonesia.

Regulation and Fulfillment of the Principle of Delimitation Contradictions in Land Registration

Normatively, the principle of contradictory delimitation is based on Article 19 of Law Number 5 of 1960 concerning the Basic Agrarian Law, which requires the authorized government to register land rights to ensure legal certainty. This legal certainty relates not only to who owns the rights, but also includes the land object, including the clarity of the boundaries of the land object. Determining the boundaries of land rights ownership is very important because land title certificates will have concrete evidentiary force only if supported by accurate and accountable physical data. Therefore, the principle of contradictory delimitation plays a

crucial role as a basis in the process of collecting and determining physical data on a land plot.¹⁰

Technical provisions regarding the principle of contradictory delimitation are clearly outlined in Articles 17, 18, and 19 of Government Regulation No. 24 of 1997 concerning Land Registration. These provisions essentially emphasize that the enforcement of the determination of land parcel boundaries is carried out based on the designation of the boundaries of the land object by the land rights owner, and, as far as possible, accompanied by the agreement of all parties concerned with the land objects that directly border as a form of validation of the validity of the determined boundaries. These provisions demonstrate that the land registration model in Indonesia uses a participatory and consensual approach in determining land boundaries. The state does not act unilaterally in determining land parcel boundaries, but rather provides space for participation to the community as the party most aware of the real conditions on the ground.¹¹

Theoretically, this approach reflects a combination of administrative and social dimensions in land law. The administrative dimension is evident in the formal procedures of installing boundary markers, measuring, creating measurement drawings, and issuing boundary determination minutes. Meanwhile, the social dimension is reflected in the requirement to obtain the consent of bordering parties as a form of mutual recognition of the established land boundaries.¹²

In practice, the principle of contradictory delimitation is implemented through several important stages, beginning with clearly delineating the boundaries of the land rights holders. The land rights holder is obligated to indicate the boundaries of their land in the field by installing clear boundary markers, such as stakes or other permanent markings. This process is then followed by the presence of the bordering parties to approve the indicated boundaries, thus creating a mutual agreement with social legitimacy.¹³ The agreement regarding the land boundaries is then incorporated into a boundary delimitation report signed by the relevant parties and land officials. This document serves as administrative evidence, serving as the basis for the measurement, mapping, and issuance of land title certificates. Therefore, the principle of contradictory delimitation serves not merely as a legal principle but also as a crucial mechanism for verification within the land registration system.¹⁴

Based on the above discussion, it can be concluded that the implementation of the principle of contradictory delimitation is carried out through stages involving rights holders and bordering parties in determining land boundaries. This involvement of the parties demonstrates that boundary determination is not carried out unilaterally, but rather based on mutual agreement. Furthermore, the agreement recorded in the minutes has the force of

¹⁰ Ibid, p. 98.

¹¹ Government Regulation Number 24 of 1997 concerning Land Registration, Article 17, Article 18, and Article 19.

¹² Maria SW Sumardjono, *Land Policy: Between Regulation and Implementation*, Jakarta: Kompas, 2001, p. 78.

¹³ Urip Santoso, *Agrarian Law*, Jakarta: Kencana, 2012, p. 92.

¹⁴ AP Parlindungan, *Land Registration in Indonesia*, Bandung: Mandar Maju, 2009, p. 56.

⁷ Romi Sihombing, *Administrative Defects: Cancellation of Land Certificates by the National Land Agency without a Court Decision*, Jakarta: Kencana, 2022, p. 39.

⁸ AP Parlindungan, *Land Registration in Indonesia*, Bandung: Mandar Maju, 2009, p. 95.

⁹ Urip Santoso, *Agrarian Law and,*, p. 91.

administrative evidence that serves as the basis for the land registration process. Thus, the principle of contradictory delimitation plays a crucial role in providing legal certainty regarding land boundaries and serves as a preventative measure against potential future land disputes.

Analysis of the Legal Considerations of the Panel of Judges in Decision Number 05/G/2017/PTUN-BNA

Based on Decision Number 05/G/2017/PTUN-BNA, it basically emphasizes the validity of the procedure for issuing Land Ownership Certificate Number 10 of 2011 in the name of Raja Azan. The Panel of Judges emphasized that the granting of land ownership certificates as State Administrative Decisions (KTUN) must be carried out in accordance with land administration law regulations, specifically Law No. 5 of 1960 concerning Basic Agrarian Law and Government Regulation No. 24 of 1997 concerning Land Registration. Therefore, every stage of certificate issuance, including land measurement and boundary determination, needs to be carried out carefully, openly, and in line with current legal protocols.

In this case, the Panel of Judges not only examined the formal aspects of the existence of the certificate, but also evaluated whether the issuance process was in accordance with the General Principles of Good Governance (AUPB), particularly focusing on the principles of accuracy and legal certainty.¹⁵ In his considerations, the judge found signs that the process of determining land boundaries excluded parties who had land object boundaries adjacent to the disputed land area. According to Government Regulation Number 24 of 1997 concerning Land Registration in Article 18 paragraph (1), the determination of land ownership boundaries must be carried out with the agreement of adjacent parties. The neglect of these parties indicates that the principle of conflicting boundary determination has not been adequately fulfilled in the procedure.

Legally, the principle of contradictory delimitation is crucial in land registration because it serves to ensure the validity of a plot's physical data. According to Boedi Harsono, determining land boundaries is a crucial process in the physical data collection process, as it directly impacts the legal certainty of land rights.¹⁶ Thus, if the measurement and determination of boundaries are carried out without the consent of the bordering parties, the physical data which forms the basis for issuing the certificate has the potential to be administratively flawed and give rise to overlapping land rights.

The Panel of Judges' considerations also demonstrate that the principle of contradictory delimitation is not merely a technical administrative procedure, but rather a preventive legal protection instrument for preventing land disputes. This also aligns with the thinking of Philipus M. Hadjon, who stated that preventive legal protection can be achieved by implementing appropriate administrative processes and following regulations, thereby preventing future disputes.¹⁷ In the *a quo* case, the suboptimal implementation of the

principle of contradictory delimitation resulted in unclear land boundaries and resulted in land disputes.¹⁸

Therefore, it is understandable that all legal considerations applied by the Panel of Judges in Decision Number 05/G/2017/PTUN-BNA place the fulfillment of the principle of contradictory delimitation as a legal requirement that determines the validity or invalidity of the issuance of a land title certificate. If this principle is not fulfilled, there will be a procedural flaw in the land registration mechanisms, so that the issued certificate is deemed not in accordance with the principle of legal certainty and not in line with orderly land administration.

Legal Consequences of the Principle of Delimitation Contradictions on the Cancellation of Land Title Certificates

Land registration, measurement, and boundary determination are crucial steps in establishing the foundation for issuing land ownership certificates. Therefore, this process must be carried out carefully, transparently, and in accordance with applicable legal procedures. Inaccuracies in the measurement process, particularly if it does not involve the bordering parties, can result in administrative defects in the issued certificate.¹⁹

The legal consequence of a certificate issued without complying with the principle of contradictory delimitation is that it can be revoked through administrative channels or through a court decision. This relates to the meaning of Article 64 of Government Regulation Number 18 of 2021, which states that land ownership rights can be revoked if there are administrative errors or unclear land rights.²⁰ In other words, if the principle of contradictory limitations is not met, legal consequences can arise in the form of procedural errors in the issuance of land title certificates. This can lead to problems such as overlapping land parcels and ownership conflicts, because the physical data relied on does not match the actual conditions on site. In Indonesia's negative publicity system, certificates are still considered strong evidence, but can be revoked if evidence of errors or administrative problems in the issuance procedure emerges.²¹

From a legal perspective, the cancellation of land ownership certificates serves as a corrective measure to address land management practices that fail to comply with relevant legal standards and implement the General Principles of Good Governance (AUPB), particularly the principles of accuracy and legal certainty. Thus, compliance with the principle of contradictory limitations is seen not only as a technical procedure in land measurement but also as a proactive legal

¹⁸ Effendi Perangin, *Indonesian Agrarian Law*, Jakarta: Rajawali Pers, 2016, p. 95; Onesimus Sahuleka, *et al.*, "Application of the Principle of Contradictory Delimitation at the Jayapura City Land Office", *Socius: Journal of Social Sciences Research*, Vol. 01 No. 04, 2023, p. 200.

¹⁹ Urip Santoso, *Registration and Transition*, , p. 78.

²⁰ Muhammad Agung Purnama, *et al.*, "Cancellation of Land Title Certificates Based on Evidence of Eigendom Verponding", *JHHP: Journal of Law, Humanities, and Politics*, Vol. 5 No. 4, 2025, p. 2829.

²¹ Muhammad Ikhsan Kamil, "Implementation of the Principle of Delimitation Contradiction in Complete Systematic Land Registration", *Unizar Law Review*, Vol. 6 No. 1, 2023, p. 147.

¹⁵ Ridwan HR, *State Administrative Law*, Jakarta: Raja Grafindo Persada, 2017, p. 302.

¹⁶ Boedi Harsono, *Indonesian Agrarian Law: History*, , p. 483.

¹⁷ Philipus M. Hadjon, *Legal Protection for the People in Indonesia*, Surabaya: Bina Ilmu, 1987, p. 2.

safeguard, aimed at ensuring the accuracy of land information and preventing future conflicts.

Conclusion

The research results show that the principle of contradictory boundaries is an important principle in land registration to ensure legal certainty regarding the physical data of land parcels. This principle is implemented through the determination of land boundaries based on agreements between adjacent parties and in accordance with the provisions of Government Regulation Number 24 of 1997. In practice, this principle is not only technical, but also functions as legal protection to prevent disputes and overlapping rights. Therefore, data accuracy and the involvement of related parties are key to realizing legal certainty and orderly land administration.

Furthermore, the Banda Aceh Administrative Court Decision Number 05/G/2017/PTUN-BNA indicates that failure to comply with the principle of contradictory delimitation can lead to procedural errors in the issuance of land title certificates. The Panel of Judges emphasized that measurement and boundary determination that do not involve the bordering parties contradicts the provisions of land administration law and the General Principles of Good Governance (AUPB), particularly the principles of accuracy and legal certainty. Consequently, the certificate can be revoked due to administrative defects. Thus, the principle of contradictory delimitation is an important requirement in determining the validity of a certificate and also serves as legal protection to prevent land disputes.

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