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Indicators Of Land Rights Certificate Cancellation Caused By Overlapping Rights As Administration Failure

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Article's Information	Abstract
<p>Keywords: Land Certificate; Cancellation; Administrative Defect.</p> <p>DOI: https://doi.org/10.25041/aelr.v1i2.2149</p>	<p>Land registration which aims to provide legal certainty for the ownership of a person's land parcel, which is in the form of a certificate of land title, in the issuance of which there may be errors resulting in two certificates or overlapping so that one certificate can be ascertained that it contains administrative defects, in handling the dispute case settlement refers to the Regulation of the Minister of ATR/KaBPN Number 11 of 2016 article 24 paragraph (7). This study aims to determine, land title certificate can be said to be administratively flawed, Implementation of cancellation of land title certificate due to administrative defect errors at the Regional Office of BPN Lampung Province and the Land Office. This research uses empirical normative juridical research method. The research approach uses a statutory, analytical and participatory approach. Data analysis uses primary and secondary data to draw conclusions using inductive logic. The results show that in order to resolve dispute cases with an overlapping typology of land title certificates, it is necessary to cancel one of the certificates issued in the latest year, because it can be ascertained that it contains errors in its issuance so that it becomes an administrative</p>



defect. And the cancellation of the certificate of land title is carried out on the basis of a public complaint or BPN initiative, with a request submitted by the Land Office, the Land Office carries out data collection activities, analysis accompanied by Case Handling Progress Report to be submitted to the Regional Office, at the Regional Office Assessment, Field Research, Exposure, Case Settlement Reports and the issuance of a Decree on the Cancellation are then submitted to the Land Office for announcement and deletion in the Land Office data base.

A. Introduction

In order to realize legal certainty in land parcels throughout the territory of the Republic of Indonesia, the government carries out Land Registration activities as mandated in Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), which land registration activities result in a certificate rights to land as a sign of ownership of rights, act as strong evidence with respect to physical data and juridical data written in it. However, a certificate containing land rights is not an absolute tool, a certificate of land rights uses a publication system which is negative in nature meaning that the State does not guarantee the accuracy of the data presented.¹ The certificate contains physical data of land and juridical data on ownership of land parcels which are all considered valid and legally binding. As long as nothing can prove the data on the certificate is incorrect. So that the certificate adheres to a negative publication system with a positive tendency.²

In land registration activities, errors often occur which result in two different certificates called overlapping, resulting in land conflict disputes, in the context of resolving land conflict disputes it is necessary to take Government action according to its authority.

The Government's actions against TUN Decrees (KTUN) which contain errors in its issuance need to be canceled, as stated in Law Number 30 of 2014 Article 66 paragraph (1). The certificate containing the title to land is a Decree of the State Administration Officer so that government action is needed to cancel the certificate of land title if it can be ascertained that there is an error which results in the certificate of land title becoming administrative defect.³

In land cases with overlapping typologies, the resolution is emphasized in the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 11 of 2016 concerning Settlement of Land Cases in Article 24 paragraph (7), stipulating conditions where there is a piece of land that is duplicated certificate then the party from the ministry, in this case the authorized official, can come up with a decision that is useful to cancel the

¹Darwis Anatami, "TANGGUNG JAWAB SIAPA, BILA TERJADI SERTIFIKAT GANDA ATAS SEBIDANG TANAH," *Jurnal Hukum Samudra Keadilan*, vol. 12, September 19, 2017, <https://www.ejurnalunsam.id/index.php/jhsk/article/view/88>.

²Ketut Wetan Sastrawan Made Ari Putra Sudana, "PROSES PEMBATALAN SERTIFIKAT HAK MILIK ATAS TANAH DAN PERLINDUNGAN HUKUMNYA BERDASARKAN PUTUSAN PENGADILAN DI PENGADILAN NEGERI SINGARAJA," *Kertha Widya* 5, no. 2 (2017): 1–21, <https://ejournal.unipas.ac.id/index.php/KW/article/view/482>.

³Burhanudin Harahap Damar Ariadi, Agus Saptono, "PEMBATALAN SERTIFIKAT TERHADAP KEPEMILIKAN HAK ATAS TANAH OLEH HAKIM (Analisis Kasus Putusan Pengadilan Negeri Kabupaten Ngawi No. 11/Pdt.G/2012/Pn.Ngw.)," *Repertorium* 4, no. 2 (2017): 135–42, <https://jurnal.uns.ac.id/repertorium/article/view/18240>.

overlapping certificate because in the end only one certificate is considered completely valid, it can mean that in cases of overlapping dispute, the settlement is through the issuance of a decree. Cancellation of a certificate of land title.⁴

The purpose of this paper is to explore further regarding: a) a certificate containing legal rights to land can be said to be administrative defect, b) the cancellation of a certificate of land title at the Regional Office and at the Land Office which is the result of handling overlapping cases. certificate of land rights at the Regional Office of the National Land Agency of Lampung Province.

The basis of this research lies in the statutory approach. The type used in this journal is the type of normative research. The data analysis used is a qualitative analysis presented descriptively.

B. Discussion

1. Land Certificate Pronounced as a Legally Failed Administration

Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) is mandated to realize legal certainty, by the Government there is a land registration in all parts of Indonesia, the mechanism is further regulated by Government Regulation⁵, As for the activities of the registration, among others, is to provide certificates of evidence that affect rights, which can be used as strong evidence in the form of certificates of land rights. Land registration implemented in Indonesia uses a negative publication system.⁶ That is, in the negative publication system, the information stated in the land title certificate document has legal force and must be accepted as true information as long as and as long as there is no document that shows and can prove the opposite status.⁷

The issuance of a certificate of land rights as strong evidence but not as an absolute means of proof, is emphasized again in the Elucidation of Government Regulation Number 24 of 1997 concerning Land Registration, in the fourth paragraph, the mechanisms listed in the land administration system adhere to a negative flow of publications. but tends to have positive qualities too.⁸

In the implementation of land registration by the government through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency and its staff, it is possible that procedural errors occur in the process of issuing land rights certificates, one of the consequences of this error arises a dispute over the issuance of two different certificates at one

⁴Richart and Alva Edison Runtuwene, "KAJIAN HUKUM TERHADAP PEMBATALAN SERTIPIKAT HAK MILIK ATAS TANAH 1," *Lex Et Societatis*, vol. 7, July 30, 2019, <https://ejournal.unsrat.ac.id/index.php/lexetsocietatis/article/view/24711>.

⁵ Government Regulation Number 24 of 1997 concerning Land Registration and its implementing regulations Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration.

⁶Nur Adhim, Ana Silviana, and Cinthya Govianda, "Problematika Pembatalan 605 Sertifikat Tanah Dalam Kawasan Otorita Batam (Studi Putusan Ptun Tanjung Pinang No : 15/G/2014/PTUN - TPI)," *Law, Development and Justice Review* 2, no. 1 (May 29, 2019): 8–22, <https://doi.org/10.14710/ldjr.v2i1.5136>.

⁷Fani Martiawan Kumara Putra, "PEMBATALAN SERTIPIKAT HAK ATAS TANAH KARENA CACAT ADMINISTRATIF SERTA IMPLIKASINYA APABILA HAK ATAS TANAH SEDANG DIJAMINKAN," *Perspektif* 20, no. 2 (May 27, 2015): 101, <https://doi.org/10.30742/perspektif.v20i2.152>.

⁸In Article 32 paragraph (1) and the Elucidation of Article 32 paragraph (1) Government Regulation Number 24 of 1997 concerning Land Registration, it is emphasized that the status of a certificate of land rights as a strong evidence, namely: strong evidence of physical data and juridical data contained therein, "As long as it has not been proven otherwise against the said Certificate of Land Rights, it must be considered valid and legally binding".

point which commonly called overlapping certificates of land rights, either partially or completely overlapping.⁹

In handling cases of overlapping dispute / overlapping land title certificates, there are 2 (two) different legal domains which are,¹⁰ Ownership Rights of Legal Subjects to Objects, namely Land which is the Domain of Civil Law and Certificates as Proof of Rights as the Domain of Administrative Law issued by State Administrative Bodies/Officials;¹¹

Regarding the Domain of Civil Law, it is affirmed that if another party states that there is a right of ownership over a parcel of land against a certificate of land rights that has been issued on behalf of another person / party, then it must be obliged to prove the existence of that right or the event mentioned.¹²

Regarding the Domain of Administrative Law, a certificate of land rights is a State Administrative Decree (KTUN), for a KTUN that contains errors in its issuance, it is necessary to carry out Government Actions in the form of Cancellation, as regulated in article 66 paragraph (1) of Law Number 30 of 2014.¹³

A decision made by a government agency or official may result in being annulled, null and void, can occur because of defects in the content of the decision, lack of authority from the decision-making body or official or from disobedience to follow procedures in decision making.¹⁴

Errors in the issuance of land title certificates which result in a land parcel having two land title certificates or overlapping, it can be ascertained that one of the certificates of land rights contains administrative defects, so that one of the certificates of land rights must be canceled, as confirmed in Article 24 Paragraph (7) The Minister of Agrarian Affairs and Spatial Planning / Head of the Land Agency explains that the task of the Head of the National Land Agency is to issue a decision which has the power to cancel a certificate that has duplicated and overlapping documents, when the decision has been issued there will only be one verdict that is valid and recognized by state.

Cancellation of overlapping land title certificates which can be ascertained contains errors in the issuance process, resulting in administrative defects of land title certificates, these errors as stated in Article 11 paragraph (3) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of Agency Land Number 11 of 2016 concerning Settlement of Land Cases.¹⁵

There are 2 (two) different land registration certificates (NIBs) in one land parcel, with different issuance years. One published in the latest year and one published in the old year,

⁹Rozi Aprian Hidayat, "ANALISIS YURIDIS PROSES PEMBATALAN SERTIFIKAT HAK ATAS TANAH PADA KAWASAN HUTAN," *Jurnal IUS Kajian Hukum Dan Keadilan* 4, no. 2 (July 20, 2016), <https://doi.org/10.12345/IUS.V4I2.304>.

¹⁰Andy Akbar and Gemala Dewi, "Implikasi Yuridis Pembatalan Perkawinan Kedua Tanpa Persetujuan Isteri Pertama Setelah Wafatnya Suami (Studi Kasus Putusan Pengadilan Agama Balikpapan Nomor : 1151 / PDT . G / 2017 / PA . Bpp)," *Notary Indonesia* 2, no. 3 (2020), <http://notary.ui.ac.id/index.php/home/article/view/1029/225>.

¹¹Fani Martiawan Kumara Putra, "TANGGUNG GUGAT PEJABAT TATA USAHA NEGARA DALAM BENTUK PEMBATALAN SERTIPIKAT HAK ATAS TANAH," *Supremasi Hukum: Jurnal Penelitian Hukum* 26, no. 2 (January 22, 2019): 1–31, <https://doi.org/10.33369/jsh.26.2.1-31>.

¹² Article 1865 KUHPerdata Book IV or Burgerlijk Wetboek (BW) which states that "Every person who claims to have a right, or appoints an event to confirm his right or to deny a right of another person, is obliged to prove the existence of that right or the event that is stated." and Article 1965 KUHPerdata Book IV or Burgerlijk Wetboek (BW) which states that "Good faith must always be presumed to exist, and whoever submits charges based on bad faith is obliged to prove it".

¹³ pasal 66 ayat (1) Undang-undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan yang menetapkan "Keputusan hanya dapat dibatalkan apabila terdapat cacat : a. wewenang; b. prosedur; dan/atau; c.substansi.

¹⁴A'an Efendi, Freddy Poernomo, *Hukum administrasi*, Sinar Grafika, Jakarta, 2017, Pg 138

¹⁵Nyoman Satyayudha Dananjaya, "PEMBATALAN SERTIPIKAT HAK MILIK DAN AKIBAT HUKUMNYA TERHADAP AKTA JUAL BELI," *Jurnal Bina Mulia Hukum* 1, no. 1 (September 2, 2016): 62–72, <http://jurnal.fh.unpad.ac.id/index.php/jbmh/article/view/46>.

the certificate of land rights issued in the latest year can certainly contain errors as mentioned in Article 11 Paragraph (3) specifically in letters a, b, c, and e, Ministry regulation ATR / BPN Number 11 of 2016 so that the certificate of land rights in the latest year contains administrative defects because it is issued on land that is already certified.¹⁶ There are 2 (two) mistakes that often occur in the process of issuing this latest land title certificate, namely:¹⁷

- a. Procedure errors in the measurement, mapping and / or area calculation process, for errors in technical matters of this measurement, there are 2 (two) things that can be explained:
 1. Spatial errors in the new year's certificate, indicated that the measurement and drawing process is not in accordance with the provisions of the prevailing laws and regulations, where if it is clear that the old certificate is not drawn on the Registration Map as the initial work basis for measurement, the surveyor can confirm the truth of land ownership. the request for measurement through a request for an approval signature of the land boundary mark by the owner of the land directly adjacent (Delimitation Contradictory Principle) in order to ensure there is no error or fraud by the measuring applicant At this stage the measuring officer can find out whether the land is clearly the property of the measuring applicant or not, thereby minimizing the possibility of overlapping land rights.
 2. There was an error in the implementation of the measurement and mapping of the old year certificate, where the officer carrying out the measurement mapping in the old year issuance process carried out his duties not in accordance with the provisions of the applicable laws, which resulted in the land parcel of the old year not being described in the Registration Map database. The description of the process due to the old certificate cannot be described, namely, at the beginning of the application for the issuance of the certificate for the latest year, the Land Office provides a service called Check Plotting or Pre Measurement of land parcels, which is to take the coordinate points of the land parcels to be cross-checked on the database either through the village registration map. the applicant and the Geo-KKP (Computerized Land Office) Spatial database application at the Land Office, so that it can be ascertained whether the location of the land being requested has been issued an NIB (Field Identification Number) or not. land parcels until the next process can continue to be processed. This is the location of the certificate error published in the latest year.¹⁸
- b. Procedural errors in the mechanism of registering, affirming and/or recognizing the right to land that are formerly owned by custom or procedural errors in the process of determining and/or registering land rights, because rights have been wrong. This can be proven in the basis of rights such as the Statement of Physical Mastery of Sporadic Land, Ownership Statement, Certificate of Land, Minutes of Village Elders and others in which it states that the land being requested is "Not Registered/Not Certified", while in fact the land is certified.

¹⁶Cinthya Govianda, Ana Silviana, and Nur Adhim, "KEPASTIAN HUKUM BAGI PEMEGANG SERTIPIKAT HAK ATAS TANAH DALAM HAL TERDAPAT PEMBATALAN SERTIPIKAT MELALUI PUTUSAN PENGADILAN (Studi Kasus Putusan PTUN Nomor : 15/G/2014/PTUN-TPI Di Kota Batam)," *DIPONEGORO LAW JOURNAL*, vol. 8 (Program Studi S1 Ilmu Hukum, Fakultas Hukum, Universitas Diponegoro, April 30, 2019), <https://ejournal3.undip.ac.id/index.php/dlr/article/view/25408>.

¹⁷Untung Leksono, "PEMBATALAN HAK MILIK ATAS TANAH," *SPEKTRUM HUKUM* 16, no. 1 (July 15, 2019): 93, <https://doi.org/10.35973/sh.v16i1.1129>.

¹⁸Conclusion on the results of the assessment in the handling of requests for cancellation of land title certificates for which a Decree of Cancellation has been issued.

A certificate issued last or the latest year can be proven that there are procedural errors so that it becomes a certificate that contains administrative defects, because it is issued on land that is already certified so it is necessary to implement a decision to cancel in order to resolve overlapping cases.¹⁹

The cancellation in question is the cancellation of the certificate of land rights as proof of rights and not the cancellation of land rights or not the cancellation of land rights.²⁰ Therefore, if the other party still feels entitled to ownership of the land rights, they can prove their civil rights through a lawsuit to the local District Court.

Meanwhile, the certificate of land rights that was issued for the first time, must be considered valid and there is no procedural error or administrative defect because as long as there is no reverse proof mechanism based on juridical data and the physical data contained therein. Authority to revoke certificate of land rights as stated in Article 26 paragraph (1) and paragraph (2) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 11 of 2016 concerning Settlement of Land Cases,²¹ The Minister has the authority to cancel the certificate of land rights due to administrative defects whose Decree Granting of rights is issued by the Minister of Agrarian and Spatial Planning/Head of the National Land Agency or the Head of the Regional Office, while the Head of the Regional Office of the National Land Agency has the authority to cancel land title certificates because administrative defect, which the Head of the Land Office issued the Granting of Rights Decree.

The authority to revoke and cancel a government administration decision has been regulated in Law Number 30 of 2014 concerning Government Administration, in Article 64 for the provisions of the revocation of a government administration decision and Article 66 and Article 67 for the provision of cancellation of a government administration decision which is in line with the principle of *contrarius actus* law, namely the principle which states that state administrative bodies or officials have the authority to issue government administration decisions, then automatically they are also authorized to cancel the said government administration decisions. However, it is not in line with the Authority Regulation in terms of the Cancellation of land title certificates as regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency.²²

Based on the description above, it can be stated that the possible impact of the implementation of the cancellation of land title certificates, namely decreasing public trust in the performance of the National Land Agency in providing land services for land registration

¹⁹Shirly Claudia Permata, Rachmad Safa'at, and R. Imam Rahmat Safi'i, "IMPLEMENTASI PUTUSAN HAKIM TERHADAP PEMBATALAN SERTIFIKAT HAK MILIK ATAS TANAH (Studi Kasus Pada Kantor Pertanahan Kota Malang)," *Jurnal IUS Kajian Hukum Dan Keadilan* 6, no. 3 (December 26, 2018): 468, <https://doi.org/10.29303/ius.v6i3.573>.

²⁰as regulated in Article 24 paragraph (3) Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency number 11 of 2016 concerning Settlement of Land Cases, namely: "The decision to cancel a certificate as referred to in paragraph (1) letter b is a cancellation of evidence rights and other general registers relating to these rights, and not the cancellation of their land rights".

²¹Article 26 paragraph (1) and paragraph (2) Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 11 of 2016 concerning Settlement of Land Cases stipulates: (1) In the case of Dispute and Conflict settlement in the form of issuance of Decree to Cancellation of Land Rights or Decrees Certificate Cancellation as referred to in Article 24 paragraph (1) letters a and b, the implementation is carried out in accordance with the cancellation authority. (2) The authority to cancel as referred to in paragraph (1) consists of: a. The Minister, to grant rights whose decisions are issued by the Minister or the Head of the Regional Office of BPN, as well as Disputes and Conflicts with certain characteristics as referred to in Article 13 paragraph (3); b. Head of Regional Office of BPN, to grant rights whose decisions are issued by the Head of the Land Office.

²²Anggiat Perdamean Parsaulian and . Sudjito, "Masalah Tumpang Tindih Sertipikat Hak Milik Atas Tanah Di Kota Banjarbaru (Putusan Nomor: 24/G/2014/PTUN.BJM)," *BHUMI: Jurnal Agraria Dan Pertanahan* 5, no. 1 (May 23, 2019): 129, <https://doi.org/10.31292/jb.v5i1.324>.

activities, especially issuing land title certificates and increasing the risk of legal action from holders of land rights certificates. who canceled to file a lawsuit in court.²³

2. The Cancellation of Land Certificates at the Regional Office and at the National Office

The cancellation of land title certificates due to administrative defects is part of the handling of land conflict disputes, which is regulated by Ministry Regulation ATR / BPN Number 11 of 2016 concerning Settlement of Land Cases. In the case of dispute resolution and land conflict, there are two bases for settlement, namely the way out of the dispute and the problem is carried out based on complaints from the public and from the Ministry Initiative.

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The following is the settlement of overlapping cases for which a Decision Letter has been issued:

- a) Handling at the National Land Agency for Lampung Province
 - 1) Application files for cancellation from the Land Office by attaching the results of data collection, analysis results and other supporting documents such as letters of complaint from the public, photocopies of land books and measuring letters, photocopies of measuring drawings, photocopies of land parcels or registration maps, statements of witnesses/executing officers , other documents during the issuance period of the two land title certificates or other related data that can influence and clarify the issue of disputes and conflicts, while the handling of overlapping cases at the Regional Office of BPN in Lampung Province is as follows.
 - a. Complain by Supari through a Letter of Complaint dated May 31, 2017, the land parcel requested for cancellation of the land title certificate by the Bandar Lampung City Land Office is Freehold Certificate Number 3574 dated November 10, 2015, Measurement Letter No. 270 / Way Kandis / 2015 dated 30 June 2015 land area 311 M2 in the name Johan Nasri, SE. Overlaps with Freehold Certificate Number 1644 / WK dated 06 February 2001 Measurement Letter No. 463 / W.K / 2001 dated January 20, 2001, with a land area of 595 M2 in the name of Supari and his son as heirs, located in Way Kandis Village, Tanjung Senang District, Bandar Lampung City, Lampung Province, in this case the land parcels partially overlap.
 - b. Complain by Edi Purwanto's complaint through a Letter of Complaint dated 16 July 2018, The land parcel for which the land title certificate is requested to be canceled by the Bandar Lampung City Land Office is Freehold Certificate Number 1370 / Sukabumi Indah dated 19 April 2018, Measurement Letter Number 444 / Sukabumi Indah / 2017 November 17, 2017 registered under the name Wayan Ernawati, land area of 300 M², overlapping with Freehold Certificate Number 9670 / Skb on October 23, 1996, Measurement Letter Number 4748/1996 dated August 2, 1996 registered under the name Edi Purwanto, land area of 300 M² is located at Jalan Pangeran Tirtayasa / Jalan Andalas

²³Komang Edy Dharma Saputra, "Pembatalan Sertipikat Hak Milik Dalam Jual Beli Tanah Sebagai Akibat Wanprestasi," *Jurnal Ilmiah Raad Kertha* 1, no. 2 (2018): 1–16, <https://doi.org/10.47532/JIRK.V1I2.31>.

- Gg. Way Left RT.09 LK. II., Kelurahan Sukabumi Indah, District of Sukabumi, Bandar Lampung City, Lampung Province, in this case the land parcels overlap entirely.
- c. For this third case, it is not based on complaints but based on the initiative of the Pringsewu Regency Land Office, which started from a request for verification from the Tanggamus Regency Government on August 7, 2018 to the Pringsewu Regency Land Office against the Right to Use Certificate Number 3 / Yogyakarta and conveying that the land parcel will be used by the Government Pringsewu Regency, which is the district resulting from the division of Tanggamus Regency, the results of checking the Pringsewu Regency Land Office show that the Right to Use Certificate Number 3 / Yogyakarta dated December 21, 2000, Measurement Letter Number 01 / Yogyakarta / 2000 covering an area of 8,375 M² registered under the name of the Tanggamus Regency Government overlapping with the Certificate Freehold Number 769 / Yogyakarta, dated June 16, 2017 Measurement Letter Number 458 / Yogyakarta / 2017, May 26, 2017 Land Laus 1,451 M² Registered under the name of Samsul Bahri, which is located on Jalan Sawo Blok. 07, Dusun JogowiryoPekon Yogyakarta, Gading Rejo District, Pringsewu Regency, Lampung Province, in this case the land parcels partially overlap.
 - d. In the Land Conflict Handling Section and Land Case Handling Section along with Land Problems Analysts in the Field of Land Problem Handling and Control (PMPP Sector) the Lampung Province BPN Regional Office follows up the request for cancellation with the assessment stage, Field Inspection activities to look for errors that become reasons in Determination of procedural defects or administrative defects, an Exposition is carried out which aims to gather input from the opinions of the Exposure participants, to sharpen the assessment, to obtain conclusions, suggestions and recommendations, as well as to prepare a Land Case Settlement Report and a draft of the Decree of the Cancellation. The errors found in the handling of cases in point 1) above are as follows:
 - a) In the case of the cancellation of the Freehold Certificate Number 3574 the things that were wrong were:
 - (a) Procedural errors in the measurement and mapping process, namely at the beginning of the application for the Issuance of Freehold Certificate number 3574 / WK, the Bandar Lampung City Land Office carried out a Plotting Check on 22 May 2015, which should have detected an indication of overlapping, but the land parcels with Freehold Certificate number 1644 / WK has not been mapped in the Digital Single Map which is connected to the Bandar Lampung City Land Office Computerized Database system or on the Registration Map Sheet so that the issuance of Freehold Certificate number 3574 / WK can continue to be processed;
 - (b) . Procedural errors in the registration process of affirming and / or acknowledging the rights to former customary land, namely the Sale and Purchase Deed Number 720 / C / 1983 written made on Monday 26 March 2018, while in the 1983 calendar, 26 March 1983 is Saturday. The right pad in the form of the Minutes of the Elderly of the Village dated 23 July 1987 which was used as the basis for the issuance of the Freehold Certificate number 3574 / WK has been used in the issuance of the Freehold Certificate number 1644 / WK. There are 2 (two) certificates of land acquisition which are different from one another.
 - b) In the case of the cancellation of the Freehold Certificate Number 1370 / Sukabumi Indah the things that were wrong were:
 - (a) Procedural errors in the measurement and mapping process, namely Figure Measure Number: 8111/2017, there is no determination of boundaries and the party who

- signed is not the party bordering the requested land parcel but signed by the Head of the RT, a Statement of Physical Mastery of Land (Sporadik) by Sdri. Wayan Ernawati on 23 October 2017 was signed by the Head of Sukabumi Urban Village, while the land was located in Sukabumi Indah Village.
- (b) Procedural errors in the registration process of affirming and / or recognizing the rights to former customary land, namely that the proof of transfer and ownership of land by Ms. Wayan Ernawati, there are things that are different and even contradictory to one another. The Minutes of Research and Juridical and Boundary Determination in the Column for Approval of Land Parcel Boundaries, there are no signatures of the names of the owners of the bordering land, Mr. Edi Purwanto once submitted a rebuttal to the certificate issuance request that was requested by Ms. Wayan Ernawati with a letter dated November 7, 2017 but SHM No. 1370 / Sukabumi Indah continues.
- c) In the Case of Cancellation of Freehold Certificate Number 769 / Yogyakarta, the things that were wrong were:
- (a) Kesalahan prosedur dalam proses pengukuran, pemetaan yaitu bidang tanah dengan Sertipikat Hak Pakai nomor 3/Yogyakarta belum tergambar pada Peta Tunggal Digital yang terkoneksi ke dalam sistem Database Komputerisasi Kantor Pertanahan (Geo-KKP) Kabupaten Pringsewu, Gambar Ukur Nomor : 52/2017 (SHM No.769/Yogyakarta) tidak terdapat penetapan batas dan tidak terdapat persetujuan dari para pemilik yang berbatasan (tidak ada Kontradiktur Delimitasi).
- (b) Procedural errors in the registration process of affirming and / or recognizing the rights to former customary land, namely the base of the rights which served as the basis for your petition. Samsul Bahri, namely the Certificate of Land Grant dated January 19, 2017 from Poniman, while there is no information on the origin of Poniman obtaining the land, so it can be concluded that there was an intention to make a Certificate of Land Grant at the time of submitting the Certificate through the Complete Systematic Land Registration Program (PTSL) in Pekon Yogyakarta , Gading Rejo District, Pringsewu Regency in 2017. Signing and issuance of Decree on the Cancellation of Certificate of Land rights by the Head of the Regional Office. At the Regional Office of BPN Lampung Province²⁴ has issued a Decree on the Cancellation of Land Rights Certificate, namely: Freehold Certificate Number 3574 / WK issued on December 4, 2018; Decree of the Cancellation of Freehold Certificate No. 1370 / Sukabumi issued on 12 December 2018; Decree of the Cancellation of Freehold Certificate No. 769 / Yogyakarta published on 21 February 2019.
- b. Handling at Land Office

The letter is submitted to the Land Office to notify the respondent of the cancellation decision and ask the person concerned to submit the certificate which was canceled within 5 (five) working days. In the event that the said period expires and the person concerned does not submit the certificate, the Head of the Land Office shall make an announcement regarding the cancellation at the Land Office or Village Hall / Pekon within 30 (thirty) days.²⁵

²⁴ The Head of the Regional Office for BPN in Lampung Province, namely Mr. Ir. Bambang Hendrawan, M.Sc, was the Head of the Regional Office for BPN in Lampung Province who was the first to carry out a Certificate Cancellation due to administrative defects.

²⁵ As stipulated in Article 28 of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 11 of 2016 concerning Settlement of Land Cases

After the notification or announcement, the official authorized to record the abolition of rights on the Certificate, Land Book and other General Register, the Head of the Land Office orders the authorized official, in this case the Head of the Section for Land Problems Management and Control, to follow up the Decree of the Cancellation in question, by informing the Head. The Land Law Relations Section to carry out the cancellation of the certificate by crossing out the Land Book and Ownership Certificate in the General Register and Entry List in the land registration administration system and the Computerized Land Office (KKP) Application.²⁶

C. Conclusion

Based on the description above, it can be concluded that the implication of canceling a certificate is the cancellation of a land right. The land rights that experience overlapping conditions and are canceled have been listed and regulated in the Ministerial Regulation regarding PKP. The indicator used is the year the certificate was issued. The newest certificate is the title of rights that will be used when there is a PKP problem. After going through an administrative process, problems regarding overlapping certificates will be resolved at the relevant Land Office.

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²⁶ In accordance with the provisions of Article 131 paragraph (2), paragraph (6), and paragraph (7) Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration.

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