

ISSN 2809-672X (Online)

YURIS: Journal of Court and Justice

<https://journal.ifpublisher.com/index.php/icj>

Vol. 4 Issue 3 (2025)

doi.org/10.56943/icj.v4i3.844

Implementation of Land Title Certificate Revocation as a Follow-Up to Court Decisions (A Case Study of Madiun District Court Decision Number 30/Pdt.G/2020/PN.Mad)

Agus Cahyadi^{1*}

aguscahyadinaya@gmail.com

Research Division, National Land Agency (BPN), Madiun, Indonesia

*Corresponding Authors: Agus Cahyadi

Email: aguscahyadinaya@gmail.com

ABSTRACT

The Land Title Certificate constitutes a legal instrument in the field of land administration, issued by the Ministry of Agrarian Affairs and Spatial Planning as the formal outcome of land registration processes. While the issuance of a Land Title Certificate provides legal certainty to the holder, it does not completely preclude the emergence of future disputes. One such case involved a Request for the Revocation of Ownership Certificate No. 01/Kel. Taman, which was grounded in Madiun District Court Decision No. 30/Pdt.G/2020/PN.Mad, a ruling that had obtained permanent legal force. The revocation request was subsequently submitted to the Madiun City Land Office for further action. The procedure implemented by the Madiun City Land Office adhered to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 21 of 2020 concerning the Handling and Resolution of Land Cases. This research adopts a normative juridical approach with a statutory perspective to examine two core issues: the legal framework governing the revocation of land rights and the implementation of the Madiun District Court's final and binding decision. The results demonstrate that the legal basis for revoking land title certificates is stipulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 21 of 2020 on the Handling and Resolution of Land Cases.

Keywords: Court Decision, Land Administration, Land Title Certificate, Legal Certainty, Revocation

INTRODUCTION

A land title certificate (*Sertifikat Hak Atas Tanah*) is the official outcome of the land registration process and serves as strong documentary evidence of ownership. It serves as evidence of the physical and legal information included in it, as long as this information matches what is written in the Land Book (*Buku Tanah*) and Survey Letter (*Surat Ukur*).¹

Indonesia's land registration mechanism adheres to the principle of publication under a positive system with negative tendencies (*stelsel positif bertendensi negatif*). In this system, the government provides no legal guarantees for the certificate holder, nor does it assume responsibility for the correctness of the data or information recorded in the certificate of land rights. Consequently, a land title certificate in Indonesia constitutes strong but not absolute proof of ownership.²

A certificate may contain juridical or administrative defects arising from incorrect data provided by the applicant during registration, or due to mistakes in identifying either the object or the subject of ownership. Errors related to the object often involve mapping or measurement inaccuracies, while errors concerning the subject may result from the applicant providing false or incomplete information.³

To address such issues, the Government of Indonesia, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), the institution authorized to manage land affairs, allows any party dissatisfied with the issuance of a land title certificate to file a request for its revocation (*pembatalan sertifikat hak atas tanah*).⁴ The legal basis for this mechanism is established in the Basic Agrarian Law (UUPA), Government Regulation No. 24 of 1997, and most recently, the Ministerial Regulation of Agrarian Affairs and Spatial Planning/National Land Agency No. 21 of 2020 on the Handling and Settlement of Land Cases (Permen ATR No. 21/2020).

Under Permen ATR No. 21 of 2020, the resolution of land disputes related to certificate revocation can proceed through two channels: (1) administrative settlement conducted by the National Land Agency, or (2) judicial settlement through court proceedings.⁵ Moreover, Article 66 of Law No. 30 of 2014 on

¹ Republik Indonesia, *Pasal 32 Ayat (1) Peraturan Pemerintah Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah*, 1997.

² Urip Santoso, *Hukum Agraria: Kajian Komprehensif* (Jakarta: Kencana, 2013).

³ Ni Made Silvia, I Putu Gede Saputra, and Luh Putu Suryani, "Pembatalan Sertifikat Hak Milik Atas Tanah Akibat Cacat Administrasi," *Jurnal Analogi Hukum* 3, no. 1 (2021): 79–83.

⁴ Ida Ayu Mas Ratu and Ida Bagus Agung Putra Santika, "Implementation of the Granting of Land Ownership Rights by the State for Foreign Citizens Under Article 21 Paragraph 3 of the Basic Agrarian Law," *Journal of Court and Justice* 3, no. 2 (June 14, 2024): 76–85, <https://journal.jfpublisher.com/index.php/jcj/article/view/546>.

⁵ Republik Indonesia, *Pasal 1 Angka 10 Dan 12 Peraturan Menteri Agraria Dan Tata Ruang Nomor 21 Tahun 2020 Tentang Penanganan Dan Penyelesaian Kasus Pertanahan*, 2020.

Government Administration stipulates that an administrative decision issued by a competent official can only be annulled if there is a defect in authority, procedure, or substance. Such annulment may be carried out by the issuing official, their superior, or by court order.⁶

The revocation of land title certificates is further regulated in detail by Permen ATR No. 21 of 2020, which amends Ministerial Regulation No. 11 of 2016 concerning the Settlement of Land Cases. One such case occurred at the Madiun City Land Office, where a request for certificate revocation was submitted following a final and binding court decision (*putusan berkekuatan hukum tetap*).

The dispute originated when the plaintiffs, Ismiarti, Ismariani, Ismariana, S.Pd., Rinosa Juniardi, Ari Widayat, and Tri Arini Widayati, filed a civil lawsuit for an unlawful act (*perbuatan melawan hukum*) against Soemarman, S.H. as the defendant, and the Madiun City Land Office as a co-defendant. The plaintiffs argued that they had continuously possessed and occupied the land inherited from their late father, Isdarmawan, located at Jl. Kapuas No. 35, RT.024/RW.008, Kelurahan Taman, Kecamatan Taman, Kota Madiun, without any dispute from other parties.

The problem arose when Isdarmawan's 1967 application for a land certificate was never processed, and the plaintiffs later discovered that a Certificate of Ownership (Sertifikat Hak Milik) No. 1/Kelurahan Taman had been issued under the name of Soemarman, S.H., despite the land never being transferred or sold to him. Furthermore, Soemarman, S.H. had never occupied or controlled the land since the certificate's issuance. On this basis, the plaintiffs filed a lawsuit with the Madiun District Court in June 2020, which was adjudicated under Case No. 30/Pdt.G/2020/PN.Mad.

The Court rendered its decision on 23 November 2020, granting the plaintiffs' claims. As neither party appealed or filed for cassation, the ruling attained permanent legal force (*inkracht van gewijsde*). The Madiun District Court Decision No. 30/Pdt.G/2020/PN.Mad consists of twelve rulings (*amar putusan*), including the following key points:

1. The plaintiffs are declared legally entitled to represent the late Isdarmawan in signing all documents related to the disputed land and building under Certificate of Ownership No. 1/Kelurahan Taman, registered in the name of Soemarman, S.H., with a total area of 381 m² and the following boundaries:
 - a. North: Jalan Kapuas
 - b. East: Local Alley (Gang Lingkungan)
 - c. South: Yeni Octin Mariana's property (Certificates No. 5 and No. 6/Kelurahan Taman)

⁶ Republik Indonesia, *Pasal 6 Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan*, 2014.

- d. West: Puryanto's property (Certificates No. 2 and No. 4/Kelurahan Taman)
2. The appellant are acknowledged as the rightful owners of the property and all buildings standing thereon, corresponding to Certificate of Ownership No. 1/Kelurahan Taman, registered under Soemarman, S.H.
3. Certificate of Ownership No. 1/Kelurahan Taman, under the name Soemarman, S.H., covering 381 m², is declared legally null and void.
4. The co-defendant, Madiun City Land Office, is ordered to strike out the certificate from the *Land Book*.

According to the ruling in Case Number 30/Pdt.G/2020/PN.Mad, the court declared that the Land Ownership Certificate Number 1/Taman under the name of Soemarman, S.H. was not legally enforceable. Furthermore, the court ordered the Co-Defendant, in this instance the Madiun City Land Office, to delete the Land Ownership Certificate Number 1/Taman under the name of Soemarman, S.H. from the Land Register.

Based on these two rulings, the Madiun City Land Office was required to remove the Land Ownership Certificate Number 1/Kelurahan Taman, under the name of Soemarman, S.H., covering an area of 381 m², from the Land Register. This raises questions regarding what legal arrangements govern the revocation of certificates of land ownership under Indonesian land law, and how the Madiun City Land Office can properly implement the court's ruling to issue the certificate revocation in accordance with applicable regulations.

RESEARCH METHODOLOGY

The research method used in this paper is normative legal research, which refers to research based on legal norms found in statutory regulations and court decisions.⁷ This study adopts a juridical-normative approach, focusing on examining issues within positive law. To address the research problems, two approaches are applied: first, the Statutory Approach, and second, the Case Approach.

Since this research uses a legal-normative method, the data gathered is analyzed qualitatively and normatively. It is qualitative because the research does not rely on numerical data, and normative because it is based on secondary legal materials. These materials consist of primary and secondary legal sources obtained through documentary research. The data are analyzed through a normative-qualitative process by categorizing and selecting relevant legal materials and relating them to legal theories derived from literature studies, in order to obtain

⁷ Elvira Dewi Ginting, *Analisis Hukum Mengenai Reorganisasi Perusahaan Dalam Hukum Kepailitan* (Medan: USU Press, 2010).

answers to the formulated research problems. The data analysis employs an inductive reasoning process, drawing general conclusions from specific findings.

RESULT AND DISCUSSION

Procedure for the Revocation of Land Title Certificates

Proof of ownership rights is provided by a land title certificate. Certificate holders are considered the legal owners of land under Indonesia's land registry system, which adopts a system of negative publicity with a tendency toward a positive system. Article 32 of Government Regulation No. 24 of 1997 states that a land title certificate is a strong proof of the legal and physical information it contains, provided that the information matches that recorded in the Land Book and Survey Letter for the related land title. This rule addresses the legal force of a certificate can legally serve as evidence of ownership.⁸

As a strong proof of ownership, the land title certificate issued by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) serves as authentic evidence with perfect probative value (*bukti otentik dengan kekuatan pembuktian sempurna*).⁹ This indicates that the details found in the certificate have to be acknowledged as true unless proven otherwise by a competent party.

Over time, Indonesia's land registration coverage has expanded significantly. As of mid-January 2024, approximately 110.5 million parcels of land had been registered out of an estimated 126 million parcels nationwide.¹⁰ The increasing enthusiasm for land registration aligns with the growing economic and social value of land.

The economic value of certified land is notably high, especially since land certificates can be used as collateral for financing purposes. This increase in land value correlates with the rising number of land disputes in Indonesia, including ownership conflicts even over plots that have already been registered and certified.

Many parties attempt to obtain land ownership certificates illegally or fraudulently, violating legal procedures and consequently leading to the revocation of those certificates. Essentially, revocation is a legal act intended to terminate, cancel, or nullify a legal relationship.¹¹

⁸ Fani 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, <http://jurnal-perspektif.org/index.php/perspektif/article/view/152>.

⁹ Ilyas Ismail, "Sertifikat Sebagai Alat Bukti Hak Atas Tanah Dalam Proses Peradilan," *Kanun Jurnal Ilmu Hukum* 19, no. 53 (2011): 23–34.

¹⁰ Al Abrar, "Menteri ATR/BPN Dorong Pekalongan Jadi Kota/Kabupaten Lengkap," *Medcom.Id*, last modified 2024, <https://www.medcom.id/nasional/daerah/0KvPglYb-menteri-atr-bpn-dorong-pekalongan-jadi-kabupaten-kota-lengkap>.

¹¹ Rozi A. Hidayat, "Analisis Yuridis Proses Pembatalan Sertipikat Hak Atas Tanah Pada Kawasan Hutan," *Jurnal Kajian Hukum Dan Keadilan Ius*, *Jurnal Kajian Hukum dan Keadilan Ius* 4, no. 2 (2016): 82–95.

The frequent appearance of land disputes that must be settled by the ATR/BPN, which frequently results in the revocation of land title certificates, is the result of implementing a negative publication system with positive tendencies. The government published Ministerial Regulation of Agrarian Affairs/Head of the National Land Agency No. 3 of 1999 concerning the Delegation of Authority and Revocation of Decisions Granting Land Rights over State Land (PMNA 3/1999) subsequent to the implementation of Government Regulation No. 24 of 1997. The government's commitment to handling applications for the revocation of land rights is demonstrated by this regulation. Article 1 point (12) of PMNA 3/1999 defines land rights revocation as follows:

“Revocation of a decision concerning a land right due to a legal defect in its issuance or in the execution of a court decision that has obtained permanent legal force.”

According to this clause, revocation might happen as an outcome of a legal ruling that has lasting authority or as a result of a legal flaw in the issuance procedure. More specific procedural guidelines for revocation of land rights are provided by the government's subsequent Ministerial Regulation of Agrarian Affairs/Head of the National Land Agency No. 9 of 1999 concerning the Procedures for Granting and Revoking Land Rights and Management Rights (PMNA 9/1999). The following is how PMNA 9/1999's Article 1 Point (14) describes the revocation of land rights:

“Revocation of land rights refers to the annulment of a decision granting land rights or a land title certificate due to administrative legal defects in its issuance, or for the execution of a court decision that has obtained permanent legal force.”

Comparing the two provisions, Hasan Basri explains that the definition in Article 1 point (14) of PMNA 9/1999 is broader and more explicit than that in Article 1 point (12) of PMNA 3/1999. This is due to the fact that the previous one permits removing the decision that gives land rights as well as the land title certificate itself, even though annulment of the granting decision automatically invalidates the certificate.¹²

Over time, the initial regulations on land title revocation, PMNA 3/1999 and PMNA 9/1999, have undergone several amendments and repeals. These were successively replaced by Head of the National Land Agency Regulation No. 3 of 2011 on Land Case Settlement, later revised by Ministerial Regulation No. 11 of 2016, and most recently updated by Ministerial Regulation No. 21 of 2020 on the Handling and Settlement of Land Cases (Permen Agraria 21/2020).

¹² Andrew Grey and Widodo Suryadono, “Proses Pembatalan Sertipikat Hak Milik Atas Tanah Karena Akta Jual Beli Yang Cacat Hukum (Studi Kasus Putusan Nomor 72/G/2018/PTUN.BDG),” *Indonesia Notary* 2, no. 2 (2020).

Permen Agraria 21/2020 serves as a comprehensive refinement of earlier regulations on land title revocation. Article 1 point (14) of the regulation defines revocation as follows:

“Revocation is a decision that annuls a legal product due to administrative and/or juridical defects in its issuance, or for the execution of a court decision that has obtained permanent legal force.”

The term “legal product” (*produk hukum*) refers to the decisions made by government officials in charge of land management matters.¹³ The provisions of *Permen Agraria 21/2020* expand the scope of meaning compared to earlier regulations. While PMNA 3/1999 and PMNA 9/1999 primarily addressed administrative legal defects, the 2020 regulation adds the element of juridical defects in the issuance process, making it more comprehensive.

Furthermore, *Permen Agraria 21/2020* does not limit its scope solely to the revocation of land rights but also encompasses the revocation of broader legal products within the domain of state administrative decisions on land affairs. This includes decrees on land rights grants, land title certificates, and other administrative instruments related to land management.

The revocation of legal products under *Permen Agraria 21/2020* is regulated in Chapter V, which specifically governs the procedures and grounds for revocation. The causes of land rights revocation can be illustrated in the following diagram:

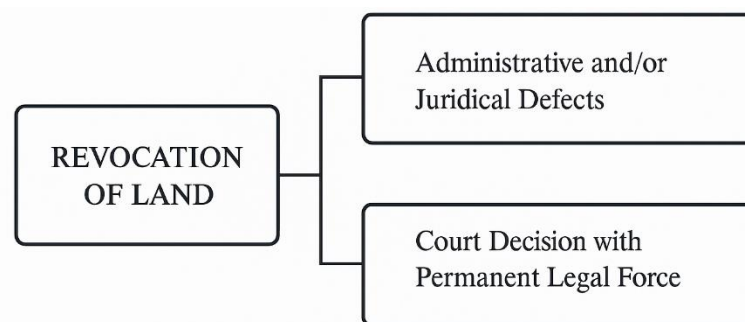


Figure 1 Cancellation of Legal Products

Source: Authos’s Analysis

Article 29 of the Regulation of the Minister of Agrarian Affairs No. 21 of 2020 explicitly stipulates the grounds for the revocation of a legal product, as illustrated in the figure above. The revocation of a legal product follows different

¹³ Kementerian Agraria Republik Indonesia, *Pasal 1 Angka 13 Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 21 Tahun 2020 Tentang Penanganan Dan Penyelesaian Kasus Pertanahan*, 2020.

procedural mechanisms, as regulated under Article 30 paragraphs (1), (2), and (3) of the same Regulation, which provides as follows:

1. The Minister shall issue a revocation decision on the following grounds:
 - a. The presence of legal or administrative flaws in a legal document published by the Ministry or Regional Office; or
 - b. The the application of a court ruling that nullifies a Ministry-issued legal product and has lasting legal effect.
2. A revocation decision will be made by the regional office head for the following reasons:
 - a. A court ruling with permanent legal force that voids a legal product issued by the Head of the Land Office or the Head of the Regional Office; or
 - b. The implementation of a court ruling that has lasting legal authority which nullifies a legal document produced by the Head of the Regional Office or the Head of the Land Office.
3. In specific situations, the Minister has the power to cancel a legal document given by a Regional Office or Land Office, which is managed by the Head of the Regional Office, due to mistakes in administration or law, or as a result of a court ruling that is final and binding.

Following the rules outlined in Article 30 paragraphs (1), (2), and (3), it is evident that there exists a hierarchical mechanism for the revocation of legal products issued by the Ministry of Agrarian Affairs and Spatial Planning, the Regional Offices, and the Land Offices.

When a revocation decision is issued due to juridical and/or administrative defects in a legal product, if the product originates from a State Administrative Decision (KTUN) in the land sector issued by the Head of the Land Office, the authority to issue the revocation decision rests with the Head of the Regional Office. Conversely, if the defective legal product was issued by a Regional Office, the revocation authority lies with the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency. This also applies when the legal product was issued directly by the Minister of Agrarian Affairs and Spatial Planning, in which case the Minister possesses the authority to independently annul or revoke the product.

Unlike cancellations caused by administrative or legal errors, the cancellation of legal products resulting from a court ruling that has lasting legal impact follows a distinct process. This is outlined in Article 30 section (1)(b) and section (2)(b) of *Permen Agraria 21/2020*, the Head of the Regional Office is authorized to revoke a legal product issued by the Land Office or even by the Regional Office itself when such product has been annulled through a court decision that has obtained final and binding legal status.

For legal products issued by the Ministry of Agrarian Affairs, the Minister has the authority to directly revoke those products once a final court judgment has declared them invalid. Based on this hierarchical mechanism, the Head of the Land Office does not possess any authority to revoke his or her own legal products, whether the revocation is sought due to administrative or juridical defects, or as the result of a court decision that has obtained permanent legal force.

Furthermore, Article 30 paragraph (3) of *Permen Agraria 21/2020* introduces an exceptional clause, stipulating that in “special cases”, the Minister may revoke a legal product issued by either a Regional Office or a Land Office, based on the presence of administrative and/or juridical defects, or in the execution of a court decision with permanent legal force.

However, the phrase “in certain cases” (*dalam hal tertentu*) in this provision lacks a clear and explicit definition, as the regulation provides no detailed explanation of what constitutes such “special circumstances.” The absence of interpretive guidance renders the term open to broad interpretation. For instance, it might be construed to apply in cases where a land certificate issued by a Land Office is based on a Decree of Land Right Grant (*Surat Keputusan Pemberian Hak Atas Tanah*) issued by the Minister himself. In such a case, the revocation procedure under Article 30 paragraph (3) may be applied.

Nevertheless, the revocation of legal products cannot always be executed immediately. Certain conditions prevent the revocation of a legal product even where evidence of administrative or juridical defects, or a final court judgment, exists. These exceptions include cases where:¹⁴

1. The land rights in dispute have been transferred to a third party;
2. The third party, as the current titleholder, was not involved in the litigation process; and
3. The third party acquired the land rights in good faith, in compliance with statutory provisions, prior to the initiation of the dispute.

In light of these provisions, it becomes evident that the authority to revoke legal products is not absolute. Even where a court decision has obtained permanent legal force, direct revocation is not automatically permissible if the legal status of the disputed object has changed hands or involves third-party rights acquired in good faith.

¹⁴ Kementerian Agraria Republik Indonesia, *Pasal 32 Ayat (1) Peraturan Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 21 Tahun 2020 Tentang Penanganan Dan Penyelesaian Kasus Pertanahan*, 2020.

Implementation of the Revocation of Land Title Certificates Based on the Madiun District Court Decision No. 30/Pdt.G/2020/PN.Mad

The revocation of a legal product due to administrative and/or juridical defects constitutes a legal measure intended to serve as a mechanism of control, supervision, and correction for errors occurring in the issuance of land title certificates. Its purpose is to ensure that such errors can be evaluated and prevented from recurring in the future.¹⁵ The revocation of a land title certificate, as a legal product in the field of land affairs, represents one of the administrative actions taken by the government as a consequence of land disputes.¹⁶

The annulment of a Land Title Certificate by a court decision that has obtained permanent legal force is a common occurrence and not an unusual matter within the Ministry of Agrarian Affairs and Spatial Planning. The revocation of legal products in the field of land affairs is a logical consequence of the land registration publication system, which is negative in nature with a positive tendency. Therefore, legal products in land affairs possess strong evidentiary power but do not constitute absolute proof of ownership.¹⁷

The Madiun District Court Decision No. 30/Pdt.G/2020/PN.Mad has now become final and binding. The Defendant did not pursue any legal remedies such as appeal, cassation, or judicial review against the decision. Furthermore, the Madiun City Land Office, which was listed as the Co-Defendant and ordered to remove Land Ownership Certificate No. 1/Taman Subdistrict under the name of Soemarman, SH, covering an area of 381 m² from the land register, also did not take any legal action. Therefore, upon the expiration of the prescribed time limit, the Madiun District Court's decision obtained permanent legal force and became binding. The follow-up actions regarding the Madiun District Court Decision No. 30/Pdt.G/2020/PN.Mad were carried out as follows:

1. Pursuant to the provisions of Article 33 paragraph (2) of the Regulation of the Minister of Agrarian Affairs No. 21 of 2020, the interested parties, namely the plaintiffs through their legal representatives, submitted a request for the revocation of the Land Title Certificate to the Head of the Madiun City Land Office.
2. The application submitted by the parties was accompanied by the following supporting documents:
 - a. A formal letter requesting the revocation of Land Title Certificate No. 1/Taman Subdistrict, Madiun City;

¹⁵ Estefania G. Lebe, "Pembatalan Sertipikat Hak Atas Tanah Menurut Peraturan Kepala Badan Pertanahan Nasional Nomor 3 Tahun 2011 Tentang Pengelolaan Pengkajian Dan Penanganan Kasus Pertanahan," *Lex Privatum* 9, no. 5 (2021): 5–13.

¹⁶ Anak Agung Istri Diah Mahadewi, "Pengaturan Prosedur Pembatalan Sertipikat Hak Atas Tanah Yang Merupakan Barang Milik Negara," *Jurnal Magister Hukum Udayana* 2, no. 3 (2013): 9, <https://media.neliti.com/media/publications/44074-ID-pengaturan-prosedur-pembatalan-sertipikat-hak-atas-tanah-yang-merupakan-barang-m.pdf>.

¹⁷ Urip Santoso, *Hukum Agraria: Kajian Komprehensif* (Prenada Media, 2017).

- b. Identity documents of the applicants and their legal counsel;
 - c. The original Power of Attorney;
 - d. Proof of ownership or possession of Land Ownership Certificate No. 1/Taman Subdistrict, including:
 - 1) The 2001 Land and Building Tax (SPPT PBB) under the name of Indarmawan;
 - 2) The official payment receipt under the name of Indarmawan;
 - 3) The 2020 Land and Building Tax (SPPT PBB) under the name of Indarmawan;
 - 4) Certificate No. 145/210/401.403.9/2020 dated 16 June 2020, issued by the Taman Subdistrict Office, confirming that Indarmawan and Isdarmawan refer to the same individual;
 - 5) A certified copy of the Collatione Djuwal Beli (Deed of Sale and Purchase) made before Notary Tjiook Hong Wan on 18 September 1960;
 - e. Physical and juridical data in the form of a Land Registration Information Letter (SPKT) issued by the Madiun City Land Office and a Statement of Physical Possession;
 - f. A copy of the Madiun District Court Decision No. 30/Pdt.G/2020/PN.Mad, which has obtained permanent legal force.
3. Upon receiving the complete application documents, the Madiun City Land Office prepared a Summary Report of the Application for Revocation of the Land Title Certificate, compiled by the Division of Dispute Control and Settlement.
 4. The summary report served as the basis for conducting an Initial Review Meeting (Gelar Awal), in accordance with Article 6 paragraph (1) of the Regulation of the Minister of Agrarian Affairs No. 21 of 2020. The purpose of this meeting was to discuss follow-up actions related to the implementation of the court's decision, which resulted in the drafting of the Minutes of the Initial Review Meeting for the Revocation Request of Land Ownership Certificate No. 01/Taman Subdistrict.
 5. Following the Initial Review Meeting and the issuance of its official minutes, the Madiun City Land Office submitted a formal request for revocation to the Minister of Agrarian Affairs and Spatial Planning through the Head of the Regional Office of the National Land Agency (BPN). The revocation request was directed to the Minister of Agrarian Affairs and Spatial Planning/National Land Agency because the Decree granting the Land Ownership Rights for Certificate No. 01/Taman Subdistrict had originally been issued by the Minister of Home Affairs under the Directorate of Agrarian Affairs through Decree No. SK/1124/HM/DA/71 dated 30 July 1971.

6. The submission of the revocation request to the Minister of Agrarian Affairs and Spatial Planning through the Head of the Regional Office of the National Land Agency was carried out in accordance with Article 33 paragraph (3) of the Regulation of the Minister of Agrarian Affairs No. 21 of 2020.
7. After the revocation request was submitted, the Directorate General VII under the Directorate of Litigation handled the case pursuant to Article 6 paragraph (1) of the same Regulation.
8. The case handling process conducted by the Ministry of Agrarian Affairs included requesting clarification from the Madiun City Land Office concerning land possession and conducting an on-site field inspection of the land referred to in Land Ownership Certificate No. 01/Taman Subdistrict. The field inspection aimed to verify the precise location and boundaries of the land subject to the revocation request, thereby ensuring legal certainty regarding the physical boundaries of the disputed property.
9. After all stages prescribed under Article 6 paragraph (1) of the Regulation of the Minister of Agrarian Affairs No. 21 of 2020 were completed, the Ministry of Agrarian Affairs and Spatial Planning issued a Case Settlement Notice and subsequently issued a Revocation Decree for Land Ownership Certificate No. 1/Taman Subdistrict. The issuance of this Revocation Decree marked the final stage in the resolution of the land dispute related to Land Ownership Certificate No. 1/Taman Subdistrict and was in accordance with Article 17 letter (a) of the same Regulation.
10. Once the Revocation Decree was issued, the Madiun City Land Office proceeded to delete Land Ownership Certificate No. 1/Taman Subdistrict from its database and official archives. As a result, the land formerly covered by Certificate No. 1/Taman Subdistrict is now classified as unregistered land, meaning that its ownership rights no longer exist in the national land registry.
11. Parties who wish to apply for the initial registration of land ownership over the aforementioned parcel may submit a new application to the Madiun City Land Office in accordance with the provisions stipulated in the Regulation of the Minister of Agrarian Affairs No. 24 of 1997 concerning Land Registration.

Critique of the Revocation of Land Rights as the Implementation of a Court Decision

The Madiun District Court Decision No. 30/Pdt.G/2020/PN.Mad has obtained permanent legal force (*in kracht van gewijsde*), and neither the defendant nor the co-defendant pursued any ordinary or extraordinary legal remedies,

including judicial review (*peninjauan kembali*). Consequently, regardless of agreement or disagreement among the parties, the ruling must be executed in accordance with its operative part (*amar putusan*).

A final and binding court decision holds the same authority as law, as it provides legal certainty for the disputing parties. Once a decision has obtained permanent legal force, the legal principle of *res judicata pro veritate habetur* applies, meaning that every judicial ruling must be deemed correct and binding.¹⁸

Although a final and binding judgment cannot be altered, it remains subject to evaluation through a mechanism known as *examination (eksaminasi)*. Such examination does not aim to change the substance of the judicial decision but rather to assess its validity and the soundness of the reasoning behind it. Examination serves as a form of judicial supervision conducted by judicial officials to review and critique the quality and consistency of judicial products.¹⁹

Initially, internal examinations were conducted within the judiciary based on the Supreme Court Circular No. 1 of 1967 concerning Examination and Monthly Reports as well as the Appeals Register. In addition to the judiciary, the prosecutorial institution also recognizes a similar mechanism, as regulated in the Attorney General's Decree No. KEP/033/JA/3/1993 on Case Examination.

Both the judiciary and the prosecution service play an institutional role in conducting such examinations; however, public examinations are also permissible. Public Examination (*Eksaminasi Publik*) refers to independent assessments conducted by civil society or academic communities on judicial decisions that are deemed inconsistent with prevailing legal norms, procedural standards, or judicial reasoning.²⁰ Public examinations serve to identify potential *misconduct of judges* and to provide constructive feedback for the judiciary in improving the quality of its judgments.²¹

In this context, the Madiun District Court Decision No. 30/Pdt.G/2020/PN.Mad raises significant legal questions, particularly regarding one of its operative clauses. The specific order that reads, “*to instruct the Co-Defendant to delete Land Ownership Certificate No. 1/Taman Subdistrict, under*

¹⁸ Hukum Online, “Arti Res Judicata Pro Veritate Habetur,” *Hukum Online*, last modified 2014, <https://www.hukumonline.com/klinik/a/arti-res-judicata-pro-veritate-habetur-lt5301326f2ef06/>.

¹⁹ Mochammad Dino Panji Pananjung, Patia Chairunnisa, and Rosdiana Triayu, “Penerapan Eksaminasi Aktif Terhadap Putusan Hakim Disertai Prinsip Reward-and-Punishment Dalam Rangka Mewujudkan Lembaga Kehakiman Yang Bermartabat Dan Berintegritas,” *Padjadjaran Law Review* 5, no. 1 (2017).

²⁰ Hukum Online, “Subjek Dan Objek Eksaminasi Perkara,” *Hukum Online*, last modified 2021, <https://www.hukumonline.com/klinik/a/subjek-dan-objek-eksaminasi-perkara-lt6144aa713beda/>.

²¹ Aradila Caesar, “Eksaminasi Terhadap Putusan Pengadilan Tindak Pidana Korupsi Pada Pengadilan Negeri Jakarta Pusat Atas Nama Terdakwa Amir Fauzi (Putusan Nomor: 127/Pid.Sus/ Tpk/2015/Pn.Jkt.Pst),” *Integritas* 3, no. 1 (2017): 192.

the name of Soemarman, SH, covering an area of 381 m² from the land register”, is the most controversial aspect of the ruling.

This directive invites critical inquiry: what are the legal consequences of “deleting” a Land Ownership Certificate from the land register? It is important to note that a Land Title Certificate (*Sertifikat Hak Atas Tanah*) constitutes a unified legal document, comprising a copy of the land register (*Buku Tanah*) and the cadastral survey (*Surat Ukur*), bound together in an official form prescribed by the Minister of Agrarian Affairs.²² The certificate serves as the holder’s proof of ownership, while the *Buku Tanah*, the official land register, remains stored and safeguarded at the National Land Agency (*Badan Pertanahan Nasional*).²³

Under Government Regulation No. 24 of 1997 on Land Registration, the Land Title Certificate functions as a strong legal instrument (*alat pembuktian yang kuat*) that authenticates both the physical and juridical data recorded within it, insofar as such data are consistent with those contained in the cadastral map and the *Buku Tanah*. Consequently, the *Buku Tanah* itself is a formal legal product issued by the Ministry of Agrarian Affairs and Spatial Planning concurrently with the Land Title Certificate. Both documents are inseparable: the *Buku Tanah* is maintained by the National Land Agency as the official record, whereas the certificate is held by the rights holder as proof of ownership.²⁴

In its ruling, the Panel of Judges in the Madiun District Court Case No. 30/Pdt.G/2020/PN.Mad ordered “the deletion of Land Ownership Certificate (SHM) No. 1/Taman Subdistrict, under the name of Soemarman, SH, covering 381 m², from the land register.” This operative order raises substantial ambiguity in its implementation for the following reasons:

1. Under the provisions of Government Regulation No. 24 of 1997 on Land Registration and Minister of Agrarian Affairs Regulation No. 3 of 1997, it is stipulated that the Land Ownership Certificate (*Sertifikat Hak Milik*) and the Land Register (*Buku Tanah*) are two distinct legal instruments that are, however, interrelated. The certificate serves as evidence of ownership, while the *Buku Tanah* functions as the state’s official administrative record maintained by the National Land Agency (*Badan Pertanahan Nasional*).
2. The judicial order to delete the SHM No. 1/Taman from the Land Register is legally inaccurate. Such deletion carries the logical consequence of nullifying the *Buku Tanah* itself, which constitutes an

²² Republik Indonesia, *Pasal 13 Ayat (3) Peraturan Pemerintah Nomor 10 Tahun 1961 Tentang Pendaftaran Tanah*, 1961.

²³ Republik Indonesia, *Pasal 32 Peraturan Pemerintah Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah*, 1997.

²⁴ Kementerian Agraria, *Pasal 169 Ayat (3) Peraturan Menteri Agraria Nomor 3 Tahun 1997 Tentang Ketentuan Pelaksana Peraturan Pemerintah Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah*, 1997.

administrative legal product and, therefore, a State Administrative Decree (Keputusan Tata Usaha Negara).

3. Based on the provisions concerning State Administrative Decisions (Keputusan Tata Usaha Negara), their scope is further expanded under Article 87 of Law No. 30 of 2014 on Government Administration, which stipulates that: "With the enactment of this Law, the term State Administrative Decision as referred to in Law No. 5 of 1986 concerning the Administrative Court, as amended by Law No. 9 of 2004 and Law No. 51 of 2009, shall be understood as follows:"
 - a. It includes written determinations encompassing factual actions;
 - b. It covers decisions by administrative officials in the executive, legislative, judicial, and other state institutions;
 - c. It must be based on laws and the principles of good governance;
 - d. It has finality in a broader sense;
 - e. It may give rise to legal consequences; and/or
 - f. It applies to members of the public.
4. Based on the jurisprudence of the Supreme Court of the Republic of Indonesia, Decision No. 383 K/Sip/1971 dated 3 November 1971 stipulates that "the annulment of a land ownership certificate (surat bukti hak milik) lawfully issued by the Agrarian Office does not fall within the jurisdiction of the judiciary but lies solely within the domain of administrative authority." Furthermore, Supreme Court Decision No. 1198 K/Sip/1973 dated 6 January 1976 affirms that "since the issuance of a land certificate is purely an administrative authority and not a judicial power, its cancellation likewise falls under administrative, not judicial, competence." This principle is further reinforced by Supreme Court Decision No. 321 K/Sip/1978 dated 31 January 1981, which states that "the District Court has no authority to annul a land ownership certificate issued by another administrative body."
5. These precedents remain authoritative and form the prevailing legal understanding that the object of a District Court case is not the State Administrative Decree itself, nor the land certificate, but rather the private rights and interests violated as a result of its issuance. Consequently, the District Court's authority is limited to declaring that a certificate "has no legal force," not to ordering its deletion from the Land Register.
6. The deletion of a land certificate from the Buku Tanah implies the annulment of the entire administrative record. As stipulated in Article 162 of Minister of Agrarian Affairs Regulation No. 3 of 1997, "for every land right, management right, ownership right of condominium units, mortgage right, and waqf land, one Buku Tanah shall be prepared." This

confirms that the creation of a land certificate is always accompanied by the preparation of a Buku Tanah, making deletion equivalent to the invalidation of an entire administrative document.

7. The Madiun District Court should have limited its decision to declaring that Land Ownership Certificate No. 1/Taman “has no legal force” or, alternatively, that both the certificate and its Buku Tanah “do not have binding legal validity.” Such wording would have fulfilled the objectives of justice without overstepping judicial authority or encroaching on administrative functions.
8. The court’s order to delete the entry from the Land Register cannot be legally justified. It effectively annuls an administrative product, a power reserved solely for administrative authorities or the State Administrative Court (Pengadilan Tata Usaha Negara). According to existing legal doctrine and jurisprudence, the District Court’s competence is limited to declaring that a land certificate “has no legal force.” Therefore, the Madiun District Court’s directive to delete SHM No. 1/Taman from the Buku Tanah constitutes a clear judicial error.
9. The deletion of a certificate from the Land Register directly implies the nullification of the Buku Tanah. However, the act of deletion constitutes a factual administrative act carried out by a state administrative officer within the scope of land administration. Hence, such an order lies beyond the authority of the District Court.

Based on the above considerations, it can be concluded that the Madiun District Court Decision No. 30/Pdt.G/2020/PN.Mad contains substantial deficiencies and legal inaccuracies both in its reasoning and in its operative provisions, as it clearly demonstrates judicial overreach beyond the court’s authority and contradicts established administrative law and Supreme Court jurisprudence.

CONCLUSION

The Land Title Certificate represents a legal instrument in the field of land administration, issued by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). Its registration is based on a negative publication system with a positive tendency, implying that while the certificate serves as strong evidence of ownership, it remains subject to possible annulment under specific legal conditions. The revocation of land rights may occur due to administrative or juridical defects, or as a result of a court decision with permanent legal force. The procedures and authority governing such revocation are regulated under the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 21 of 2020 on the Settlement and Handling of Land Cases.

The implementation of the land title certificate revocation by the Madiun City Land Office derived from a court ruling that had attained permanent legal status. The follow-up to Madiun District Court Decision No. 30/Pdt.G/2020/PN.Mad was conducted through a series of procedural stages in compliance with Regulation No. 21 of 2020. Ultimately, the Minister of Agrarian Affairs and Spatial Planning issued a Decree on Land Title Revocation. This decree affirms legal certainty for all concerned parties, and its execution constitutes a mandatory administrative obligation for the Madiun City Land Office, ensuring full adherence to the prevailing legal framework.

REFERENCES

- Abrar, Al. "Menteri ATR/BPN Dorong Pekalongan Jadi Kota/Kabupaten Lengkap." *Medcom.Id*. Last modified 2024. <https://www.medcom.id/nasional/daerah/0KvPglYb-menteri-atr-bpn-dorong-pekalongan-jadi-kabupaten-kota-lengkap>.
- Caesar, Aradila. "Eksaminasi Terhadap Putusan Pengadilan Tindak Pidana Korupsi Pada Pengadilan Negeri Jakarta Pusat Atas Nama Terdakwa Amir Fauzi (Putusan Nomor: 127/Pid.Sus/ Tpk/2015/Pn.Jkt.Pst)." *Integritas* 3, no. 1 (2017): 192.
- Ginting, Elvira Dewi. *Analisis Hukum Mengenai Reorganisasi Perusahaan Dalam Hukum Kepailitan*. Medan: USU Press, 2010.
- Grey, Andrew, and Widodo Suryadono. "Proses Pembatalan Sertipikat Hak Milik Atas Tanah Karena Akta Jual Beli Yang Cacat Hukum (Studi Kasus Putusan Nomor 72/G/2018/PTUN.BDG)." *Indonesia Notary* 2, no. 2 (2020).
- Hidayat, Rozi A. "Analisis Yuridis Proses Pembatalan Sertipikat Hak Atas Tanah Pada Kawasan Hutan", *Jurnal Kajian Hukum Dan Keadilan Ius* 4, no. 2 (2016): 82–95.
- Hukum Online. "Arti Res Judicata Pro Veritate Habetur." *Hukum Online*. Last modified 2014. <https://www.hukumonline.com/klinik/a/arti-res-judicata-pro-veritate-habetur-lt5301326f2ef06/>.
- . "Subjek Dan Objek Eksaminasi Perkara." *Hukum Online*. Last modified 2021. <https://www.hukumonline.com/klinik/a/subjek-dan-objek-eksaminasi-perkara-lt6144aa713beda/>.
- Ismail, Ilyas. "Sertifikat Sebagai Alat Bukti Hak Atas Tanah Dalam Proses Peradilan." *Kanun Jurnal Ilmu Hukum* 19, no. 53 (2011): 23–34.
- Kementerian Agraria. *Pasal 169 Ayat (3) Peraturan Menteri Agraria Nomor 3 Tahun 1997 Tentang Ketentuan Pelaksana Peraturan Pemerintah Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah*, 1997.
- Kementerian Agraria Republik Indonesia. *Pasal 1 Angka 13 Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 21 Tahun 2020 Tentang Penanganan Dan Penyelesaian Kasus Pertanahan*, 2020.
- . *Pasal 32 Ayat (1) Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 21 Tahun 2020 Tentang Penanganan Dan Penyelesaian Kasus Pertanahan*, 2020.
- Lebe, Estefania G. "Pembatalan Sertipikat Hak Atas Tanah Menurut Peraturan

- Kepala Badan Pertanahan Nasional Nomor 3 Tahun 2011 Tentang Pengelolaan Pengkajian Dan Penanganan Kasus Pertanahan.” *Lex Privatum* 9, no. 5 (2021): 5–13.
- Mahadewi, Anak Agung Istri Diah. “Pengaturan Prosedur Pembatalan Sertipikat Hak Atas Tanah Yang Merupakan Barang Milik Negara.” *Jurnal Magister Hukum Udayana* 2, no. 3 (2013): 9. <https://media.neliti.com/media/publications/44074-ID-pengaturan-prosedur-pembatalan-sertipikat-hak-atas-tanah-yang-merupakan-barang-m.pdf>.
- Panji Pananjung, Mochammad Dino, Patia Chairunnisa, and Rosdiana Triayu. “Penerapan Eksaminasi Aktif Terhadap Putusan Hakim Disertai Prinsip Reward-and-Punishment Dalam Rangka Mewujudkan Lembaga Kehakiman Yang Bermartabat Dan Berintegritas.” *Padjadjaran Law Review* 5, no. 1 (2017).
- Permanasari, Lolita, and Siti Ngaisah. “Problems in the Implementation of Complete Systematic Land Registration (PTSL) in Jombang Regency.” *Journal of Court and Justice* 4, no. 3 (July 18, 2025): 17–35. <https://journal.jfpublisher.com/index.php/jcj/article/view/782>.
- Putra, Fani Martiawan Kumara. “Pembatalan Sertipikat Hak Atas Tanah Karena Cacat Administratif Serta Implikasinya Apabila Hak Atas Tanah Sedang Dijaminkan.” *Perspektif* 20, no. 2 (May 27, 2015): 101. <http://jurnal-perspektif.org/index.php/perspektif/article/view/152>.
- Ratu, Ida Ayu Mas, and Ida Bagus Agung Putra Santika. “Implementation of the Granting of Land Ownership Rights by the State for Foreign Citizens Under Article 21 Paragraph 3 of the Basic Agrarian Law.” *Journal of Court and Justice* 3, no. 2 (June 14, 2024): 76–85. <https://journal.jfpublisher.com/index.php/jcj/article/view/546>.
- Republik Indonesia. *Pasal 1 Angka 10 Dan 12 Peraturan Menteri Agraria Dan Tata Ruang Nomor 21 Tahun 2020 Tentang Penanganan Dan Penyelesaian Kasus Pertanahan*, 2020.
- . *Pasal 13 Ayat (3) Peraturan Pemerintah Nomor 10 Tahun 1961 Tentang Pendaftaran Tanah*, 1961.
- . *Pasal 32 Ayat (1) Peraturan Pemerintah Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah*, 1997.
- . *Pasal 32 Peraturan Pemerintah Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah*, 1997.
- . *Pasal 6 Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan*, 2014.
- Santoso, Urip. *Hukum Agraria: Kajian Komprehensif*. Prenada Media, 2017.
- . *Hukum Agraria: Kajian Komprehensif*. Jakarta: Kencana, 2013.
- Silvia, Ni Made, I Putu Gede Saputra, and Luh Putu Suryani. “Pembatalan Sertifikat Hak Milik Atas Tanah Akibat Cacat Administrasi.” *Jurnal Analogi Hukum* 3, no. 1 (2021): 79–83.