



Analysis Juridical Authority Court Assessing the Legal Strength of Land Title Certificates Issued Based on Administrative Formalities

Novita Marasti ^{1*}, Zainal Asikin, Diangsa Wagian ²

¹⁻² Master of Notary Study Program, Faculty of Law, Social and Political Sciences, University of Mataram, Indonesia

* Corresponding Author: **Novita Marasti**

Article Info

ISSN (online): 2583-6536

Volume: 05

Issue: 01

Received: 24-11-2025

Accepted: 26-12-2025

Published: 28-01-2026

Page No: 33-42

Abstract

A Certificate of Ownership (SHM) is recognized as the strongest and most comprehensive land right, as specified in the UUPA. However, even though this certificate serves as proof of ownership, there are instances where it can be challenged. A notable case illustrating this is Decision Number 120/Pdt.G/1999/PN.Mtr from the Mataram District Court. In this case, a dispute arose due to a discrepancy between the formal certificate holder (the defendant) and the actual owner of the material rights, as another party's name was used on the certificate. This led to a conflict since the person named on the certificate refused to transfer ownership to the plaintiff.

The purpose of this study is to analyze and understand the District Court's authority to resolve disputes concerning SHM and to examine the legal consequences for SHM holders and the National Land Agency (BPN) in light of the Mataram District Court Decision Number 120/PDT.G/1999/MTR. The study employs a normative method, incorporating statutory, case, and conceptual approaches. The findings indicate that the District Court has the authority to assess and invalidate land title certificates that lack legitimate legal grounds. This authority is consistent with the provisions of relevant laws and is supported by the Supreme Court's Circular Letter Number 10 of 2020. The decision does not constitute an ultra vires action, as it falls within the appropriate legal domain. The legal consequences of this ruling include a loss of legal certainty for formal certificate holders, the obligation for the National Land Agency to rectify land registration data, and a clarification that its responsibility is limited to the administrative aspects of certificate issuance.

DOI: <https://doi.org/10.54660/IJL.2026.5.1.33-42>

Keywords: Court Authority, Legal Power, Ownership Certificate, Administrative Formalities.

1. Introduction

Land rights are regulated as rights that give the holder the authority to use and utilize the land according to its intended use. Wrong One right on land Which most strong And Full is the right of ownership, which is hereditary, the strongest and the most complete as regulated in Article 20 paragraph (1) UUPA ^[1].

To provide legal certainty regarding these rights, the state, through the National Land Agency (BPN), implements a land registration system. This system produces land title certificates. functioning as a sign proof right at a time tool proof the strong one for the owner. According to Boedi Harsono, a certificate right on the land is tool proof authentic Which give protection law

¹ Indonesia, Constitution Number 5 Year 1960, about Main Points Agrarian,

for the rights holder, as long as no other party can prove otherwise with valid evidence.^[2] This statement emphasizes that certificates are intended as instruments of legal certainty as well as legal protection. Land title certificates have an important function as a strong means of proving ownership of a plot of land. The existence of this certificate serves as a benchmark in determining who legally has the right to a plot of land, and therefore, the land registration system in Indonesia is designed with the principle of legal certainty. However, in practice, it is not uncommon to find legal problems that arise when the inclusion of names on certificates is done not by the true owner, but rather on the basis of formalities or certain administrative reasons that do not reflect the actual legal situation.

However, in practice, the issuance of certificates does not always guarantee conformity between administrative data and actual legal reality. Although land title certificates are recognized as... tool proof the strong proof tool, its nature no absolute, but only creates a rebuttable presumption that can still be challenged or refuted with other evidence. Maria SW Sumardjono emphasized that "the evidentiary power of the certificate is not absolute, because national land law still opens up the possibility for other parties to submit counter-evidence." Which more strong?^[3] It means, a certificate of course provides certainty, but the certainty the Still open to be tested if there is an indication that the certificate does not reflect actual material ownership.

One concrete example of this problem can be seen in the Mataram District Court Decision Number 120/Pdt.G/1999/PN.Mtr, in which the Plaintiff filed a civil suit against the Defendant regarding ownership of a plot of land. Main Point case started from a transaction purchase The Plaintiff acquired the land using personal funds. However, to avoid the land reform policies of the time, the Plaintiff consciously included the name of the Defendant who was related to him, as party buyer and owner formal in the Freehold Title.

Legal problems arose when the Plaintiff requested that the certificate be transferred to the proper ownership of the material. This request was rejected by Defendant with the reason that land the is an inheritance from the Plaintiff's husband, who is also the Defendant's biological uncle. However, the argument regarding this gift cannot be legally proven because it is not accompanied by a deed of inheritance, will, or other form of valid declaration of the grant of rights.

In its considerations, the Panel of Judges stated that even though the Defendant's name was listed on the land title certificate, the existence of the certificate did not reflect the ownership rights. legitimate Because No supported by fact law Which strong. The certificate issued in the Defendant's name was merely an administrative formality and had no binding legal force regarding the substance of the land rights. Therefore, the court decided to grant the Plaintiff's lawsuit and declared that the SHM in the Defendant's name no longer had any legal force and declared the Plaintiff the legal owner in substance.

This decision raises an important legal issue, namely regarding the court's authority to assess and declare the

validity of as well as validity something certificate right on the land that has been issued by a state institution (BPN). This is important considering that land certificates in the Indonesian agrarian legal system have the nature of strong evidence, but at the same time still leave room for proof to the contrary (rebuttable presumption), especially in the context of civil disputes concerning good faith, origin proposal ownership, and administrative.

Based on the background explanation above, a problem formulation can be drawn, namely: a. Does the district court have the authority to adjudicate disputes over Land Ownership Certificates (SHM) based on the Mataram District Court Decision Number 120/PDT.G/1999/MTR? What are the legal consequences for the holder of the land ownership certificate (SHM) and for the National Land Agency (BPN) regarding the Decision? Court Country Mataram Number 120/PDT.G/1999/MTR?

2. Method

Types of Research Chosen for the Study, This study employs normative research, which conceptualizes law in two key ways: first, as what is codified in statutory regulations (referred to as "law in books"), and second, as rules or norms that serve as benchmarks for human behavior deemed appropriate. Normative research also encompasses the study of legal principles, sources of law, and regulations that are theoretically scientific in nature and can help analyze normative legal issues. Approaches Used in the Study. The study utilizes three primary approaches: 1. Legislative Approach (Statute Approach), which focuses on examining laws as they are written in statutes. 2. Conceptual Approach Involves theoretical analysis and understanding of legal principles. 3. Case Approach: Looks at specific legal cases to inform the research.

These approaches enable a comprehensive exploration of normative legal problems. Analysis of legal materials is carried out as an activity to provide a review, which can mean opposing, criticizing, supporting, adding, or give comment, and then making a conclusion regarding the results of research with one's own thoughts, with the help of the theory that has been used. The nature of normative research analysis is prescriptive, meaning it provides arguments for the research findings. Argumentation is used to prescribe or provide an assessment of what is right or wrong, or what should or ought to be according to law (legal norms, legal principles, legal doctrines or theories regarding the legal facts or events being studied). This is, of course, closely related to the approach used. so that influential in the analysis of material law which exist in normative legal research.^[4]

3. Discussion

3.1. Authority Court in Judging Dispute Certificate of Ownership (SHM) based on District Court Decision Mataram Number 120/PDT.G/1999/MTR

The authority of judges is a central aspect of the judicial system, as judges are the parties mandated by the state to examine, try, and decide a case based on applicable law. This authority is not solely derived from the Constitution as norm written, but also from the principles of justice Which life in

² Boedi Harsono, *Agrarian Law Indonesia: History Formation Agrarian Law, Contents And Its implementation*, Bridge, Jakarta, 2005, p. 205.

³ Maria SW Sumardjo, *Policy Land between Regulation And Implementation*, Compass, Jakarta, 2001, p. 160.

⁴ Muhaimin, *Method Study Law*, Mataram University Press, Mataram-NTB, 2020, p. 71.

public.^[5] In the context of civil dispute resolution, judges are not only tasked with mechanically applying positive legal provisions, but also have a creative function to interpret, discover, and enforce them. law Which in accordance with flavor justice. This matter becomes very important because not all legal issues have explicit rules, so judges often have to fill legal gaps through interpretation and legal argumentation.^[6]

In addition, judges are also required to maintain a balance between formal aspects and material in cut off case. Principle legality requires a judge to apply the provision written, but the principle of justice require judge to consider the social, the relationship between the parties, and the legal consequences of each decision. Therefore, the judge's authority must be understood not only as a technical normative authority, but as an instrument for achieving substantive justice. To support this function, several regulations form the legal basis for the judge's authority, including:

3.1.1. Law Number 2 of 1986 concerning General Courts

Conceptually, Law No. 2 of 1986 concerning General Courts provides a comprehensive overview of the organization, functions, and authorities of the District Court (PN) and the High Court (PT). In the context of its authority to adjudicate, the PN is a first-level court that has the authority to examine and decide various civil and criminal cases. Article 1 paragraph (1) states that General Courts include District Courts and Court Tall Which authorized inspect, cut off, and resolve civil and criminal cases in accordance with statutory provisions. 47 From the sound of this article, it can be understood that PN as a first level judicial institution own authority Which wide in realm civil and criminal law, including the ability to accept lawsuits or demands, examine evidence, present witnesses, and make decisions based on facts and law.

Furthermore, Article 55 paragraph (1) confirms the authority of judges in carrying out their duties to examine and assess evidence presented in court and make decisions based on facts and law. applies. In this context, the PN is not only a formal forum, but also has substantial authority to assess and interpret the law according to the facts discovered during the trial. Judge PN given a mandate to balance the principle of legality and justice, so that every decision taken reflects compliance with the law while taking into account the factual conditions on the ground.

Besides that, Chapter 60 Law No. 2 Year 1986 gives the basis for District Court judges to make independent assessments of documents and proof Which submitted, as well as cut off cases based on applicable law. This authority is final within the scope of first-instance courts, with the possibility of an appeal to the High Court if the disputing parties are dissatisfied with the decision.

Overall, Law No. 2 of 1986 confirms that the Court Country's own Authority Substantive that is examine, assess, and decides cases based on the law that applies. Authority: This form framework provides clear laws for District Court judges in carrying out their judicial functions, while also emphasizing the principles of legal certainty, justice, and judicial independence in the Indonesian legal system.

3.1.2. Law Number 5 of 1986 concerning State Administrative Courts

Law No. 5 of 1986 concerning State Administrative Courts provides a legal framework for the establishment of special courts for state administrative disputes (TUN), namely disputes between citizens or legal entities and state administrative officials or bodies whose actions or decisions are deemed detrimental or contrary to statutory regulations.

Article 1 paragraph (1) states that the State Administrative Court (PTUN) has the authority to examine and decide disputes between inhabitant country or body law with officials order state enterprises whose actions are considered harm party or contrary to statutory regulations. 48 From the text of this article, it is clear that PTUN judges have substantial administrative authority, namely, to examine the legality of state administrative actions. PTUN judges act as supervisors. Compliance of state administrative officials with the law, and their decisions emphasize the principle of administrative justice.

Furthermore, Article 2 paragraph (1) confirms the establishment of PTUN in each provincial capital, which signifies the principle of territorial authority. similar to PN, but its scope is broader Because focus on the administrative officials of the country. This provides certainty that every citizen or legal entity has legal access to file an administrative lawsuit in the area where the official concerned carries out their duties.

Article 27 of Law No. 5 of 1986 confirms the authority of PTUN judges to cancel administrative actions that are legally flawed, such that stated that decision Administrative Court nature final against legality action administration, and if proven legal defects, decision can cancel action These provisions show that judge Administrative Court own authority final in evaluate legality administrative, different with PN which focuses on the legal relationship between parties.

3.1.3. Constitution Number 48 Year 2009 About Judicial Power

Law No. 48 of 2009 arranges principles on the basis of judicial power, judicial organization, and the authority of judges in enforcing the law and justice in Indonesia. Chapter Article 1 (1) states that judicial power is a power Which independent to organize justice to enforce law and justice. 49 Chapter This affirms the principle of judicial independence, which is the main basis for judges to exercise their authority without interference from other powers, including the executive and legislative.

Article 5 emphasizes that judges are obliged to decide cases in accordance with the law, conscience, and justice, without any pressure. or influence from the party wherever. Chapter This emphasizes that the judge's authority is not only to implement the law formally, but also to consider the principles of justice and conscience, so that every decision must be fair, rational, and based on fact as well as law Which applies. Chapter 24B paragraph (1) confirms that justice is carried out by an independent judicial power through courts that are free from influence. any party and subject to the principles of the Constitution National principle Republic of Indonesia, Year 1945. Provision This confirms that the

⁵ Ronal Roges Simorangkir, *et al.*, "Authority Real Execution Court State against Case Consignment Procurement Land For Development for Public Interest", *The Face of Law*, Vol. 8, No. 1, 2024, p. 491.

⁶ Yakup Ginting, "Legal Discovery by Judges in Civil Case Resolution" in Indonesia", *Dissertation, Faculty Law, University Brawijaya*, 2011, p. 298.

judge's own authority for inspecting and deciding the case in a way independent manner, Good in justice general, religious courts, justice military, and justice order business country, with the principle that all courts are under the same independent judicial authority.

In addition, Article 55 of Law No. 48 of 2009 confirms the judge's authority to assess evidence, hear witnesses, and decide on cases. based on facts and law, similar to the provisions in Law No. 2 of 1986. However, Law 48/2009 adds a dimension of accountability and professionalism, where judges are obliged to uphold the law and justice objectively, be responsible for their decisions, and uphold the principles of transparency and independence.

3.1.4. Supreme Court Circular Letter (SEMA) Number 10 of 2020 concerning the Implementation of the Formulation of the Results of the 2020 Supreme Court Chamber Plenary Meeting as a Guideline for the Implementation of Duties for the Courts

The Circular Letter of the Supreme Court (SEMA) Number 10 of 2020 addresses the implementation of the outcomes from the Supreme Court Chamber's plenary meeting in 2020. This circular serves as an operational guideline for judges in exercising judicial power. Although SEMA No. 10 does not create new legal norms, it compiles, codifies, and reaffirms the legal formulations agreed upon by the chambers of the Supreme Court. The aim of this circular is to ensure consistency, unity of interpretation, and legal certainty in decisions throughout the judicial system.

One important principle relevant to District Courts and civil judges is the civil chamber formulation. This principle states that civil judges do not have the authority to cancel certificates; however, they can declare that certificates have no legal force if it is proven that they lack a legitimate basis. This distinction clearly delineates the limits of authority between the cancellation of land administration (which falls under the jurisdiction of the Administrative Court) and the evaluation of the legal validity of certificates (which is the realm of civil courts). Therefore, although a civil judge cannot execute the cancellation of a land ownership certificate (SHM), the judge can still assess whether the certificate has a valid legal basis in the civil relationship between the parties involved.

SEMA Number 10 of 2020 establishes that the assessment of a certificate's legal validity falls within the authority of the general court when the dispute arises from civil matters, such as sales, nominations, conspiracy, breach of contract, or violations of trust principles. The wording of the SEMA highlights that civil judges' authority is confined to evaluating the legitimacy of rights based on the principle of a legitimate cause in civil law, and does not extend into administrative matters.

If a civil relationship that serves as the basis for the issuance of a certificate is found to be defective, void, or non-existent, a civil judge has the authority to declare that the certificate lacks legal force in relation to the parties involved. Such a decision does not invalidate the certificate in an administrative sense, but it does provide the aggrieved party with a legal basis to seek cancellation from the Administrative Court (PTUN) or the National Land Agency (BPN). In summary, the civil court's authority is declaratory in nature concerning civil legal relationships and affects the evidentiary strength of certificates.

Furthermore, this SEMA also positions civil judges as

guardians of the rationality of civil law, particularly in the context of certificates, which conceptually constitute strong, but not absolute, evidence. This formulation gives civil judges the space For do correct to tool proof certificate if it turns out that the certificate is not based on proper legal action. In a way doctrinal, matter This in line with nature legal regulation In civil cases, judges do not merely assess formal evidence but also explore the substance of the parties' legal relationship. This formulation also provides certainty to the public to prevent errors in forum, where civil disputes are forced to be brought to the State Administrative Court when the core issue is a civil relationship, not a state administrative action.

The authority of District Court judges in handling cases civil law on in principle determined by law program and judicial institutional law. If we refer to Law Number 2 of 1986 concerning General Courts, Article 50 paragraph (1) states that The District Court has the duty and authority to examine, decide and settle criminal and civil cases at the first level. This formulation provides a general basis that all civil rights disputes, including disputes regarding the legal owner of an object, the legal relationship between the parties, and the enforceability of an agreement, fall within the jurisdiction of the District Court. Land disputes are essentially civil rights disputes if the object of the dispute is who has the right to the land. who finances it, who carries out the legal action, or whether the certificate reflects the correct legal relationship. Thus, when the dispute centers on the legal relationship civil matters between parties, for example when there is a problem with the use of a borrowed name (nominee) or control right Which No in accordance with condition factual so The District Court has the authority to examine and decide on the case based on Law 2 of 1986.

Temporary That, Law No. 5 Year 1986 about Justice State Administrative Court (PTUN) provide clear limits on authority Administrative Court that is only to Decision Tata Business Country Which nature concrete, individual, and final Which issued by TUN officials (Article 1 number 9). In the context of land, publishing certificate right on land by National Land Agency is TUN decision so that authority to administratively revoke certificates is at on Administrative Court. However, matter This important, considering that the PTUN Law does not eliminate the authority of the PN to handle aspects civil law from the relationship between the parties. This means that even though the administrative cancellation of the certificate is at the PTUN, the PN still has the authority to handle it. case about who the party that civil rights, whether the certificate is based on a valid legal basis, or whether the civil relationship between the parties does not comply with the administrative formalities reflected in the certificate.

Furthermore Law No. 48 of 2009 concerning Judicial Power clarify the judicial function in seeking and finding law. Chapter 10 paragraph (1) confirms that the court is prohibited from refusing to examine, try, and cut off something case although law No clear. This means judge must finish dispute civil law, including when the land title certificate is at the center of the dispute. Even other articles in Law 48 of 2009 emphasize freedom judge in find and interpret law, including through the assessment of evidence. Because the certificate is evidence, not the absolute object of the TUN's authority when Which in question is truth material the relationship between the parties, then the civil judge has the authority to assess the strength of the evidence certificate, including state the

certificate has no legal force in the civil relations of the parties concerned.

Interpretation the get legitimacy Which more firmly through SEMA No. 10 of 2020, specifically the formulation of the civil chamber, Which state that Judge civil No authorized to revoke certificates, but authorized to declare certificates void if proven to lack a valid legal basis. This formulation serves as a guideline for all civil judges in Indonesia. This SEMA ensures that District Court judges remain within their authority, that is, do not enter the realm of administrative cancellation (which is the authority of the PTUN), but can carry out evaluation judicial to status certificate as evidence. In other words, the SEMA formulation provides a demarcation line that the District Court cannot revoke or cancel certificates from the administrative system. land, but can state that the certificate No valid or No powerful law in case civil when it is proven that there is no legal basis that can be accounted for under civil law.

From the overall legal basis, it can be understood that authority judge PN in case land built on three main pillars: (1) Law 2 of 1986 which gives the authority to examine civil cases;

(2) Law 5 of 1986 which limits the authority of the PTUN to only administrative cancellation of certificates; and (3) Law 48 of 2009 which provides space for judges to assess evidence and determine the law; and (4) SEMA 10 of 2020 which confirms that a civil judge has the authority to declare a certificate to have no legal force as long as the basis for the right is invalid .

Based on land dispute in case Number 120/Pdt.G/1999/PN.Mtr, Plaintiff postulate that land which was registered in the name of the Defendant was actually purchased using the Plaintiff's funds, on the grounds that at that time the Plaintiff could not purchase the rice field in his own name because he already owned land exceeding the maximum limit, in order to still be able to own the land, the alternative used was to use the Defendant's name (as nephew from husband Defendant) For buy land ricefield the with on Name Defendant so that thus SHM also in the name of the Defendant. However, when the Plaintiff's husband died, the Plaintiff asked for the rice field to be returned to the name of the Defendant, but the Defendant refused because the Defendant considered the rice field to be an inheritance from his uncle (husband Plaintiff). It is said as object inheritance, because the Defendant is the heir of his uncle and his wife (Plaintiff), the Defendant refused to hand over the land to the Plaintiff and the Plaintiff brought the matter to litigation (Court). Thus, the main issue is who is substantively the legal owner of the land the, so that dispute is at on realm purely civil. The Mataram District Court then declared that the certificate in the name of the defendant had no legal force, instead of revoking the certificate. This ruling is in line with limit authority in SEMA No. 10 Year 2020, because the District Court judge only assesses the evidentiary strength of the certificate, not assesses legality action National Land Agency as officials administration The judge's stance is also in accordance with the principle of Law No. 48 of 2009, which stipulates that judges are required to decide all cases submitted to them and uphold justice for the parties based on the material legal relationship. With thus, although

publishing certificate is a state administrative action, however, when the dispute that arises relates to substantive control and ownership, the District Court still has the authority to examine and decide. ^[7] The Mataram District Court's decision declaring the certificate to be legally ineffective constitutes a civil court's authority to assess the validity of the parties' material legal relationship, without entering the PTUN's jurisdiction to annul administrative decisions. Therefore, the judge's actions in this case can be considered does not exceed its authority, because it is in line with the limits regulated in the General Courts Law, the PTUN Law, principle power judiciary, as well as formulation room Supreme Court civil case.

In line with the principle of authority in the theory of authority Which put forward by Ateng Sjafrudin, authority is understood as power formal Which sourced And explicitly provided by statutory regulations. ^[8] This means that every action of a state official or organ, including District Court judges, is only valid if the action can be traced base the law in Constitution. Authority should not be understood as free will, but as a mandate that is limited and strictly restricted. When linked to the authority of a District Court judge to declare a land title certificate as having no legal force, it is clear that the judge is not acting based on personal will or interpretation, but rather refers to the assignment. normative Which given by various device Laws such as Law No. 2 of 1986, which affirms the competence of general courts to examine civil cases between civil subjects, Law No. 5 of 1986, which differentiates the authority of the State Administrative Court (PTUN), which only adjudicates state administrative decisions, and Law No. 48 of 2009 concerning Judicial Power, which provides a basis for judges to assess and determine the law in concrete cases. SEMA No. 10 of 2020 emphasizes these limits through a formulation stating that civil judges cannot cancel certificates, but can declare certificates to have no legal force if the basis for the rights is invalid. Thus, the action of the Mataram District Court judge in Decision Number 120/Pdt.G/1999/PN.Mtr, can assessed that judge has act in accordance with what is stated by the law because of its decisions No do cancellation administrative on a certificate that clearly represents the competence of state administrative officials and can only be tested through the PTUN, but only assesses whether the certificate has legal force. in the civil relations of the parties. This assessment is part of the authority of the general court to examine disputes regarding who the true owner of rights is and whether formal evidence held by one of the parties is admissible as valid evidence.

With thus, judge use authority formalities given by law appropriately, namely by adjudicating legal acts between the parties (financing relations and the use of another party's name in the land purchase) and assessing the civil evidence presented in court. In the context of the theory of Authority, the judge's actions do not exceed the limits (non ultra vires), because they are still within the scope of assessing evidence as permitted by civil procedural law.

Giving authority judge in evaluate something Land title certificates are also a manifestation of independent judicial power. ^[9] Matter the in line with Theory Power Justice by Philip M. Hadjon Which confirms that independence of

⁷Asrullah, *et al.*, "Dynamics Cancellation Right On Land: A Comprehensive Review", *Amsir Litigation Journal*, Vol. 11, No. 3, 2024, p. 337

⁸ Salim HS And Erlies Septiana Nurbaini, *Book Second Implementation Theory Law On Study Thesis And Dissertation*, cet. 6th, Eagle Press, Depok, 2017, p. 34

⁹ Philip M. Hadjon, *Introduction Law Administration Indonesia*, Elephant Mada University Press, Yogyakarta, 2007, p. 26.

judiciary is characteristics main country law, but independence is not enough to just be written in the constitution, but must be truly realized in judicial practice, meaning that judges must be free from pressure from executive power, pressure social, and intervention party where even in making decisions.^[10] The theory of judicial power emphasizes that the independence of judicial power is not identical to absolute freedom, but rather freedom that is framed by law (bounded judicial independence).^[11] Thus, as long as the judge exercises his authority based on the legitimacy granted by law as contained in Law No. 48 of 2009 concerning Judicial Power, UU no. 2 Year 1986 about Justice General, Law No. 5 Year 1986 about Administrative Court, as well as guidelines implementation authority through SEMA No. 10 of 2020, the judge's decision in deciding the case can be considered in line with the principle of judicial independence. In fact, the application of SEMA No. 10 of 2020 Which allow judge civil state certificate does not have legal force is an example that the Supreme Court has given judicial guidance so that the judge in level lower own handle normative in evaluate civil cases that touch on aspects of land administration, without having to enter the area of administrative cancellation which is the jurisdiction of the PTUN.

At this level, when analyzed through the lens of judicial power theory, the Mataram District Court judge's actions in the ruling demonstrate a concrete implementation of judicial independence, as the judge did not stop at the formal boundaries of the certificate as evidence, but instead assessed the substance of the legal relationship and sought material justice. This is in line with with view Hadjon that independence the judiciary is not just text normative, but must looks in the reality of judicial practice. This means that as long as the judge does not exceed his authority, for example by administratively canceling a certificate and still refers to the Supreme Court guidelines, then the decision is not an *ultra vires* act, but rather an expression of the judge's independence to ensure the upholding of justice in civil cases.

3.2. Legal Consequences for Holder Certificate Right Have (SHM) and for the National Land Agency (BPN) against the Decision of the Mataram District Court Number 120/PDT.G/1999/MTR

3.2.1. Consequences Law for Holder Certificate Right Owned by (SHM) As a result of the Mataram District Court Decision Number 120/PDT.G/1999/MTR.

Document juridical Which in a way normative known as Authoritative Certificate On Individual Land represents the highest manifestation of the attribution of exclusive rights to terrestrial geospatial space according to the structure normative Which poured out in Constitution Number 5 1960 concerning Agrarian Normative Fundamentality. In this regulation, specifically Article 20 paragraph (1), it is emphasized that the entity of ownership rights is hereditary, absolutely authoritative, and undeniable in the context of individual rights to land. Meanwhile, Article 23 paragraph (1) mandates formal legality through a mechanism. registration

in institutions authoritative land as prerequisites for obtaining legal guarantees of a definitive character.^[12] The Certificate of Ownership (SHM) is a strong evidence regarding ownership on land as confirmed in Article 19 paragraph (2) letter c Constitution Main Point Agrarian (UUPA) And detailed in Article 32 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, which states that certificate is a strong means of proof unless proven otherwise. This demonstrates that the existence of a SHM provides *prima facie* legal protection for its holder. SHM owners have the right to control, utilize, transfer, and encumber land rights in accordance with statutory provisions.^[13] Therefore, SHM not only has administrative value, but also becomes the legal basis for ownership which has full legitimacy in the eyes of the law.

In Mataram District Court Decision Number 120/Pdt.G/1999/PN.Mtr, the judge decided that the SHM issued on Name Defendant No own strength law because it was proven that the land was originally purchased with the Plaintiff's own funds. The Defendant was only used as the nominee holder because the Plaintiff already owned land approaching the maximum ownership limit. The judge assessed the actual legal relationship and the fact that material ownership rested with the Plaintiff. Decision This No cancel certificate in a way administrative (Because That is authority Administrative Court), but stated that the SHM cannot be used as proof of ownership in the civil dispute.

Here are some consequences arising from the implementation of the Decision Court Country Mataram Number 120/PDT.G/1999/MTR for the defendant/owner of the land ownership certificate (SHM), namely:

1. The disappearance Certainty Law on Ownership Land
2. Restrictions on the Owner's Rights to Take Legal Actions
3. Potential The emergence Action Administrative by National Land Agency

In a way normative, ownership right on land in Indonesia subject to principle mastery land by country as arranged in Article 2 paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA). UUPA positions the Certificate of Ownership as a strong piece of evidence because the issuance process goes through a series of structured land administration processes such as checking legal data, physical data, announcements, and recording in land books. The evidentiary power of the certificate also emphasized in various regulations agrarian And jurisprudence which states that the certificate is *Prima facie* evidence, or evidence that must be considered true until proven otherwise, is fundamentally true. However, this principle of *prima facie* evidence is not absolute. In the Indonesian legal system, material truth prevails over formal truth, so certificates can still be tested in a judicial forum. This legal construction aligns with the principle of *nemo plus juris transferre potest quam ipse habit* Which state that someone can't transfer rights beyond what Which actually he have.^[14] The certificate only records rights, but does not

¹⁰ Point Quarterly And H Ismu Gunadi Widodo, Op. Cit, p. 83.

¹¹ Word Floranta Adonara, "Principle Freedom Judge in Break up Matter As Mandate Constitution", Constitutional Journal, Vol. 12, No. 2, 2015, p. 220.

¹² Reynolds Simandjuntak, *et al.*, "Power Law Certificate Right Owned by Based on the Rights Basis Disabled in Nemo's Perspective Plus Juris: Study Case Verdict PN Tondano Number 97/Pdt.G/2024/PN.Tnn", Equator: Journal Education And Social Humanities, Vol. 5, No. 2, 2025, p. 456.

¹³ Christiana Sri Pure And Sumirahayu Solomon, "Certificate Right Owned by On Land is Sign Proof Right Ownership Land", Lex Librum : Journal Knowledge Law, Vol. 8 No. 2, June 2022, pp. 183-198

¹⁴ Reynolds Simandjuntak, *et al.*, Op. Cit.

create rights if the basis for the rights is invalid or incorrect. Thus, the strength of the certificate depends greatly on the validity of the legal act that underlies it its publication. When base right the proven If it is defective or does not reflect the actual legal relationship, then the certificate loses its evidentiary power.

If studied using Theory Realism Law by Oliver W. Holmes in the Mataram District Court decision which stated The Certificate of Ownership in the name of the defendant has no power law show character main from realism law, namely that Law is not merely the text of the law, but rather what judges decide in reality. Holmes argued that:

“The prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law”.

It means, reality law That No determined by assumptions normative, but rather by predictions about what the judge will decide in a concrete case.^[15] In this context, although UUPA regulates that SHM is tool proof strongest And fullest, And Although substantively there was an element of legal smuggling from the plaintiff who financed the purchase of land by borrowing someone else's name to avoid the maximum land area provisions, in reality the judge still ruled that the certificate had no legal force. Based on the theory of realism law, this kind of decision that actually become law in that case, because He is form real from How rule implemented in reality by the court. Holmes's View in theory This confirms that judge's conviction based on concrete evidence more decisive final results case than normative provisions the abstract.^[16] In the Mataram District Court case, the judge emphasized the material evidence aspect regarding who actually financed and controlled the land, rather than assessing whether the action was contrary to principles law agrarian. With say other, reality factual that the plaintiff is the party who paid for the land is considered more relevant than the normative reality that the act constitutes smuggling law. This shows that From a legal realism perspective, legal certainty does not stem from the structure or principles of law, but rather from predictable decision patterns. This decision is an indication that Indonesian judges in case dispute certificate often time more focus on substantial civil relations (who buys, who controls) compared to administrative land order.

Within the framework of Holmes' theory, this decision also shows that Judges' decisions can move beyond rigid normative constructs, because law, according to realism, is never absolute. Judges have very broad judgmental latitude (judicial discretion), and what they do in practice becomes a living interpretation of the law. Therefore, although SHM should be considered the strongest form of evidence, judges interpret material evidence regarding the flow of funds and the legal relationships between the parties as more important. own weight For determine Who owner Which In other words, the judge's decision creates a new factual norm that SHM can lose its legal force if it is not supported by base right Which legitimate, although in a way formal the certificate was not cancelled by the land official.

However in side other in context ownership Right Owned by, there are restrictions firm related maximum mastery land

Which aims to prevent monopolistic practices and inequality in land ownership by individuals. Provisions regarding the maximum limit of land ownership are regulated in Government Regulation Number 24 of 1961 in conjunction with Government Regulation Number 41 of 1964. Based on the trial facts as contained in the Mataram District Court decision, the plaintiff admitted that the placement of the certificate in the name of the defendant was done intentionally because the plaintiff had exceeded the maximum limit of land ownership. The legal logic of this fact shows that relationship law between the plaintiffs and the defendant was not born from a legitimate sale and purchase transaction, but from a legal act that aimed to conceal the legal situation Which Actually. Matter This potential qualified as legal smuggling (*wetsonduiking*), namely an action that outwardly appears legitimate, but in substance aims to avoid the application of applicable legal norms.^[17] In civil law doctrine, the act of legal smuggling does not receive legal protection and all the legal consequences can be declared void or not have binding force (Article 1337 of the Civil Code regarding causes that are not permitted).

Problem important Which should become focus judge's considerations is whether connection law between for party Does it truly reflect the provision of funds that give rise to ownership rights, or is it a scheme to circumvent land ownership restrictions? Land registration is recorded at the District or City Land Office where the land is located. Upon land registration carried out by an interested legal entity at the Land Office, a certificate will be issued. sign proof right on land Which known with Certificate to the applicant in accordance with data juridical And data physique land. As regulated in PP No. 24/1997, Chapter 32 paragraph (2) arrange In matter on a field land Already published in a way legitimate on Name person or Agency Law Which get land the with good faith Good and legally controls it, then he can no longer demand the implementation of said rights if within 5 (five) years from the issuance of the Certificate.^[18] If the plaintiff had known from the outset and agreed that the certificate would be issued in the name of the defendant to avoid the maximum limit of land ownership, then the plaintiff had consciously agree something actions law Which contradictory with provisions of the UUPA and its implementing regulations. Consequently, the position plaintiff in case This No can viewed as the legal owner, even if he provided the purchase funds, because the plaintiff who committed legal smuggling is basically in a weak legal position, because the basis of his claim has been tainted by the intention to avoid the applicable regulations.

In this context, the judge's authority to assess the validity of the certificate does not automatically grant legitimacy to the plaintiff. The judge may indeed determine that the certificate in the defendant's name is legally ineffective because the legal basis for the title is invalid, for example. Because connection agreement between for party reflecting substantial fraud against land provisions. However, deeming the certificate legally ineffective does not automatically mean that the plaintiff automatically becomes the landowner.

At this point, the judge must assess two aspects: first, the

¹⁵ D. Fernando. M, *Legism Legality And Certainty Law*, Ed-2 3rd ed., Prenadamedia Group, Jakarta, 2019, p. 115.

¹⁶ *Ibid*

¹⁷ Elvira, *et al.*, "Smuggling Law Ownership Land on Deed Binding Agreement Sell Speckle Which Load Clause Right Buy Return (Studies Case Review Decision Return Number 539 PK/Pdt/2020)", *Indonesian Notary Journal*, Vol. 3, No. 3, 2021, p. 74.

¹⁸ I Made Image mace Kumara, *et al.* "Certainty Law Holder Right On Deep Soil System Law Land In Indonesia", *Journal References Law* Vol. 2, No. 3, 2021, p. 561

flawed legal basis that gave rise to the certificate, and second, whether the party claiming the right has a clean, honest, and legal basis. Therefore, even though the SHM can be deemed legally ineffective due to a flawed legal basis, the plaintiff's claim becomes problematic if the acquisition process involved legal malpractice. The plaintiff could lose legitimacy moral and juridical for begging confession rights, so that legal consequences can in the form of land being returned to its original condition, being considered an object of dispute that must be resolved through other mechanisms, or even legal smuggling actions can give rise to implications of administrative sanctions or further cancellation by the authorities.

3.2.2. Legal Consequences for the National Land Agency (BPN) Due to Mataram District Court Decision Number 120/PDT.G/1999/PN.MTR

The land administration system in Indonesia places the National Land Agency (BPN) as an institution that plays a role in carrying out state authority in land registration, as regulated in Article 19 of the Basic Agrarian Law (UUPA) and detailed in PP Number 24 of 1997 concerning Registration of Land. ^[19] Publishing Certificate Right Owned by (SHM) is a state administrative action carried out based on data, supporting documents, and statements from the parties submitting the application. Within this framework, the BPN is not the party that determines who is substantively most entitled, but rather the other party. Which takes notes and validate status ownership based on valid formal evidence. Thus, the BPN's responsibility is administrative in nature, not a determinant of the civil relationship between the parties.

In the disputed matter, the National Land Agency Mataram is placed as a co-defendant. This is common in disputes related to land and certificates, although in principle, a co-defendant does not have a direct interest in the main case.

The BPN is only interested if there is a request for cancellation, correction, or administrative order regarding a product that has been issued. In this case, the SHM was issued in the name of the defendant based on procedure, and no there is proof that the BPN committed an administrative error, procedural deviation, or action which contradictory to the law. Therefore, the position of the BPN in this case is more passive, and it cannot be held responsible for the civil relationship between the plaintiff and the defendant.

However, decision PN Mataram states that SHM, on behalf of the defendant, does not have legal force, which has implications for the National Land Agency. Decision, in a way, no direct order BPN for follow-up on changes in status ownership, although the District Court does not have the authority to cancel or declare no legitimate certificate land. Cancellation certificate is the authority of Justice Tata Business Country, as regulated in Law Number 5 of 1986 in conjunction with Law Number 9 of 2004 in conjunction with Law Number 51 of 2009, because the cancellation certificate is a form of cancellation of state administrative decisions.

In general, BPN does not bear the consequences of responsibility directly in this matter. This matter because National Land Agency did nothing wrong administratively in the process of publishing SHM. Certificate issued based on formal requirements that have been fulfilled by the parties, along with valid supporting documents. In accordance with Chapter 19 UUPA and PP No. 24 of 1997, the National Land

Agency is duty-bound to record and issue certificates based on formal facts, not to investigate the civil relations behind the acquisition of land. Thus, the difference between the party providing the funds and the party receiving the funds his name is listed in certificate No is an error or responsibility of the National Land Agency. However, as party which drawn as Co-defendant, BPN still has a passive position, namely only being interested if there is an administrative order regarding the products it issues.

Consequence: For the BPN in this case, it is administratively obliged to carry out the court's decision to:

1. Do replacement Name holder right
2. Do repair data registration land
3. Updates land book and certificate.

However, it should be emphasized that the National Land Agency (BPN) only carries out this responsibility if the decision is final and binding and clearly establishes the land and the identity of the new, legitimate owner based on the applicable decision. The BPN's position in this case is solely as the administrative implementer of a legally binding court decision. The BPN does not assume any responsibility. not quite enough answer error in publishing certificate, because the publication process has been carried out based on valid formal evidence. Because that, consequence the law limited to obligation for to record changes to the subject of land rights in accordance with the decision, without requiring a state administrative court decision declaring the certificate invalid. The District Court's decision stated that the certificate did not have strength law in a way civil law no automatically cancels the certificate administratively, because the authority to cancel it the certificate is in the state administrative court (State Administrative Court) in accordance Law No. 5 Year 1986 jo. Law No. 51 Year 2009. With thus, status certificate No necessarily become cancelled by law, but it turns into a certificate that cannot be used as evidence in a civil dispute. Administratively, the certificate remains recorded until the National Land Agency (BPN) updates the data based on a declaratory court decision. about owner material which legitimate. It means, certificate The defendant's title will not disappear automatically, but will be replaced or renewed in the name of the party declared the owner by the court after the BPN has fulfilled its administrative obligations. Substantially, the District Court's decision only weakens the evidentiary side of the certificate as proof of rights, but not immediately. cancel the state document without administrative procedures through the PTUN.

Certainty Theory posits that the law must be predictable, clear, and consistent in its implementation so that every individual can understand the consequences of their actions under the law. In addition to the principles of legal certainty, Radbruch's Theory of Law emphasizes that the National Land Agency (BPN) is required to adhere to court decisions that have permanent legal force, even if those verdicts are perceived as incorrect. This obligation stems from the fact that a final court decision holds executive power, which must be implemented. Consequently, BPN is required to change the name of the rights holder as ordered in the court's ruling. In this case, legal certainty is maintained at the level of decision execution, as the legislation mandates this process. From the perspective of substantive legal certainty, this condition has the potential to harm the previous certificate

¹⁹ Sahnun, *et al.*, "Authority Body Land National in Dispute Resolution Land", IUS Journal of Law and Justice Studies, Vol. 7, No. 3, 2019, p. 437.

holder (the Defendant). The Defendant faces long-term consequences, including the loss of land rights, despite the fact that the issuance of the certificate by the BPN was conducted in accordance with valid procedures and formal evidence. Uncertainty also arises from the nature of the civil relationship between the parties, which initially contained elements of legal smuggling related to ownership that exceeded the maximum land limit. This flawed legal action puts the previous certificate holder (the Defendant) at a disadvantage. The Defendant becomes vulnerable in a legal sense due to the moral and juridical weaknesses of their ownership, despite the administrative validity of the certificate. Thus, based on Radbruch's theory, the Mataram District Court's decision fulfills legal certainty only in terms of procedural aspects associated with executing the decision, but it does not fully achieve substantive legal certainty for the Defendant.

Theory Proof Civil by R. Subekti explain that Evidence in civil cases is the process of convincing the judge regarding the truth of the arguments put forward by for party, ^[20] It means judge only can cut off based on proof Which submitted, No based on suspicion, personal feelings or moral judgments. This proof serves to find formal truth, namely truth that can be accepted according to tool proof Which legitimate according to law program civil (Chapter 1866 Civil Code and Article 164 HIR).

In the context of issuing a Land Ownership Certificate by the National Land Agency (BPN), the administrative process of land registration is carried out based on formal evidence, such as:

1. Deed sell, buy, or base transition right from the Land Deed Official
2. Letter information history land
3. Identity for the party
4. Data physical and data juridical in the book land

With the fulfillment of these documents, BPN has issued SHM in accordance with procedures. This means the SHM is formally valid, because all administrative evidence required has proven and can convince officials of land registration. However, problems arose when the dispute was brought to the District Court. During the trial, the plaintiff proved a material relationship between the financing and ownership of the land, even though the owner's name listed on the certificate was the defendant. In other words, the evidence presented at the District Court trial revealed the material truth, namely, who actually controlled or owned the land based on the actual relationship between the parties, rather than solely on the names on the certificate. Even from the perspective of Subekti's theory, the Mataram District Court has the right to assess broader evidence than the BPN, because the judge's function is to assess the substance of the legal relationship between the parties, not just the formal validity of the document.

4. Conclusion

The Mataram District Court, as indicated in Decision No. 120/Pdt.G/1999/PN.Mtr, has the authority to assess the legal validity of land ownership certificates (SHM). This authority is established by Law No. 2 of 1986 concerning General Courts, Law No. 48 of 2008 regarding Justice Power, and is also constrained by Law No. 5 of 1986 in conjunction with

Law No. 51 of 2009 concerning the State Administrative Court, as well as SEMA No. 10 of 2020. These laws affirm the civil judges' right to declare that certificates may have no legal force if it is proven they lack a legitimate legal basis. Therefore, the District Court judge in Decision No. 120/Pdt.G/1999/PN.Mtr did not act beyond their authority, as their actions were well within the framework of civil law, thus maintaining legitimacy under the legal structure of Indonesia.

The legal consequences for the defendant may include the certainty of disappearance. This pertains to laws regarding land ownership, restrictions on ownership rights when conducting legal actions, and the potential for administrative action by the National Land Agency (BPN). The BPN is responsible for changing the name of the land owner, repairing land registration data, and updating land books and certificates. However, the National Land Agency is not liable for errors in issuing certificates, as the issuance process is conducted based on valid formal evidence.

5. References

1. Asrullah, *et al.* Dynamics cancellation right on land: a comprehensive review. *Amsir Litigation Journal*. 2024;11(3).
2. Harsono B. *Agrarian law Indonesia: history formation agrarian law, contents and its implementation*. Jakarta: Bridge; 2005.
3. Pure CS, Solomon S. Certificate right owned by on land is sign proof right ownership land. *Lex Librum: Journal Ilmu Hukum*. 2022 Jun;8(2).
4. Fernando DM. *Legism, legality and certainty law*. 3rd ed. Jakarta: Prenadamedia Group; 2019.
5. Elvira, *et al.* Smuggling law ownership land on deed binding agreement sell speckle which load clause right buy return (study case review decision return No. 539 PK/Pdt/2020). *Indonesian Notary Journal*. 2021;3(3).
6. Adonara WF. Principle freedom judge in break up matter as mandate constitution. *Jurnal Konstitusi*. 2015;12(2).
7. Kumara IMM, *et al.* Certainty law holder right on deep soil system law land in Indonesia. *Journal References Law*. 2021;2(3).
8. Diantha IMP. *Methodology study law normative*. 2nd ed. Jakarta: Prenada Media Group; 2017.
9. Sumardjo MSW. *Policy land between regulation and implementation*. Jakarta: Kompas; 2001.
10. Makarao MT. *Principles of civil procedure law*. 2nd ed. Jakarta: Rineka Cipta; 2009.
11. Muhaimin. *Method study law*. Mataram: Mataram University Press; 2020.
12. Hadjon PM. *Introduction law administration Indonesia*. Yogyakarta: Gadjah Mada University Press; 2007.
13. Simandjuntak R, *et al.* Power law certificate right owned by based on the rights basis disabled in nemo plus juris perspective: study case verdict PN Tondano No. 97/Pdt.G/2024/PN.Tnn. *Equator: Journal Education and Social Humanities*. 2025;5(2).
14. Simorangkir RR, *et al.* Authority real execution court state against case consignment procurement land for development for public interest. *The Face of Law*. 2024;8(1).
15. Sahnan, *et al.* Authority body land national in dispute resolution land. *IUS Journal of Law and Justice Studies*.

²⁰ Moh. Taufik Makarao, *Principles of Civil Procedure Law*, 2nd Edition. 2nd, Rineka Cipta, Jakarta, 2009, p. 5.

- 2019;7(3).
16. Salim HS, Nurbaini ES. Implementation theory law on study thesis and dissertation. 6th ed. Depok: Rajawali Press; 2017.
 17. Rahardjo S. Knowledge law. Bandung: Citra Aditya Bakti; 2006.
 18. Ginting Y. Legal discovery by judges in civil case resolution in Indonesia [dissertation]. Malang: Faculty of Law, Universitas Brawijaya; 2011.
 19. The 1945 Constitution of the Republic of Indonesia.
 20. Indonesia. Law No. 5 of 1960 concerning basic regulations on agrarian principles. State Gazette of the Republic of Indonesia 1960 No. 104.
 21. Indonesia. Law No. 2 of 1986 concerning general courts. State Gazette of the Republic of Indonesia 1986 No. 20.
 22. Indonesia. Law No. 5 of 1986 concerning state administrative courts. State Gazette of the Republic of Indonesia 1986 No. 77.
 23. Indonesia. Law No. 48 of 2009 concerning judicial power. State Gazette of the Republic of Indonesia 2009 No. 157.
 24. Indonesia. Government Regulation No. 24 of 1997 concerning land registration. State Gazette of the Republic of Indonesia 1997 No. 59.
 25. Supreme Court of the Republic of Indonesia. Chief Justice Decree No. 10 of 2020 concerning implementation of the formulation of the results of the 2020 plenary meeting of the Supreme Court chamber as guidelines for court duties. 2020.

How to Cite This Article

Marasti N, Asikin Z, Wagian D. Analysis juridical authority court assessing the legal strength of land title certificates issued based on administrative formalities. *Int J Jud Law*. 2026;5(1):33-42. doi:10.54660/IJLL.2026.5.1.33-42.

Creative Commons (CC) License

This is an open access journal, and articles are distributed under the terms of the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0) License, which allows others to remix, tweak, and build upon the work non-commercially, as long as appropriate credit is given and the new creations are licensed under the identical terms.