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The processes for issuing land rights certificates in Indonesia and the enforcement of the land registration system

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Abstract
The following are the study's goals: 1) to ascertain the government's efforts to enforce the land registration system and the process of issuing certificates of land rights in Indonesia; 2) to ascertain the legal obligations of the Head of Agrarian Affairs and Spatial Planning/Head of the National Land Agency with regard to double certificates issued in the implementation of land registration; and 3) to ascertain the role and utility of the Global Positioning System (GPS) in the implementation of land registration in relation to law enforcement in the land sector in Indonesia. A normative juridical legal research approach that makes reference to legal norms is the study methodology used. Undang-Undang Nomor 5 Tahun 1960 (Act Number 5 of 1960), Peraturan Pemerintah Nomor 24 Tahun 1997 (Government Regulation Number 24 of 1997), and Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertahanan Nasional Nomor 12 Tahun 2017 (Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation Number 12 of 2017) pertaining to the Acceleration of Complete Systematic Land Registration (CSLR). A variety of books on agricultural matters, seminar proceedings, scientific publications, research findings, and periodicals are used as secondary legal documents. Logical reasoning is used in both induction and deduction to analyse data. Act Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (Basic Agrarian Law), Government Regulation Number 10 of 1961 and Government Regulation Number 24 of 1997, which both govern Land Registration, and Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation Number 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration (CSLR) and other regulations are examples of the government's efforts to regulate and manage land issues. The background of law enforcement in the land sector informs these laws and regulations. One way to enhance Government Regulation Number 24 of 1997 is to employ contemporary technology, including the Global Positioning System (GPS) and computerised data processing and storage, to speed up the measurement and mapping of land plots that need to be registered. Geographic information systems employ the Global Positioning System (GPS) for a variety of purposes, including creating maps, calculating boundary lengths, and serving as a reference point for a region. In other words, by measuring a piece of land using the Global Positioning System (GPS), the coordinates of that plot may be readily ascertained, hence reducing the likelihood of land disputes.

Keywords: law enforcement, legal certainty, global positioning systems (GPS)

1. Introduction

The Majelis Permusyawaratan Rakyat (People's Consultative Assembly) issued the Decree of the People's Consultative Assembly of the Republic of Indonesia Number IX/MPR/2001 concerning the Renewal of Agrarian Law and the Management of Natural Resources, which serves as the foundation for the reform of agrarian laws. "Agrarian reform includes a continuous process of restructuring tenure, ownership, use, and utilisation of agrarian resources, carried out in the framework of achieving legal certainty and protection as well as justice and prosperity for all Indonesian people," according to Article 2. The provisions of Article 2 include a number of crucial components, including [1]. The first is an ongoing process, namely the presence of policies that have been applied consistently over time. Regular policy changes will create legal ambiguity. Restructuring tenure, ownership, usage, and utilisation of agricultural resources is the second procedure. The term "restructuring" usually refers to a shift in how people relate to natural resources. Third, the fundamental values are justice, wealth, and legal protection for every Indonesian.
The Decree of the People's Consultative Assembly of the Republic of Indonesia Number IV/MPR/1999 in Chapter IV of Garis-Garis Besar Haluan Negara (Outlines of State Policy) outlines one direction for reforming Indonesian legal politics in the current reform era. It discusses how Policy Direction in the Field of Law is to consistently enforce the law to ensure legal certainty, justice and truth, the rule of law, and respect for human rights.
In order to improve legal certainty and protection, law enforcement and human rights, legal awareness, and legal services based on justice and truth, order and prosperity in the context of implementing a nation that is increasingly orderly, organised, smooth, and globally competitive, legal

development is carried out through the renewal of legal material while taking into account the plurality of applicable orders and the influence of globalisation [3].

One method for obtaining legal clarity for property ownership rights is land registration. The Basic Agrarian Law (also known as Undang-Undang Pokok Agraria, or UUPA) is found in Article 19 Paragraph 1 of Act Number 5 of 1960 covering Basic Regulations on Agrarian Principles [4]. It is stressed that land registration is conducted across the Republic of Indonesia in compliance with the requirements established by Peraturan Pemerintah (the Government Regulations) in order to provide legal certainty by the government. One of the goals of land registration, according to Article 3 Letter (a) of Government Regulation Number 24 of 1997 concerning Land Registration, is to give holders of rights to a plot of land, apartment units and other rights that have been registered legal certainty and protection so they can readily demonstrate their ownership. According to Government Regulation Number 24 of 1997's Article 4 Paragraph (1), a certificate of land rights is granted to the holder of the relevant land rights in order to offer them the legal certainty and protection mentioned in Article 3 Letter (a).

Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation Number 12 of 2017 [6]. Computerization of Land Activities, hereinafter abbreviated as CLA, is the main application in supporting the implementation of authority, duties and functions the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency based on information and communication technology that is built and developed in accordance with the flow, requirements, time, cost and authority that is inaccordance with the provisions of the legislation.

2. Framework

2.1 The Positive Impact of Government Regulation Number 24 of 1997 concerning Land Registration

It is undoubtedly anticipated that the implementation of Government Regulation Number 24 of 1997 would benefit the people as well as the government. Renewing the land registration system in accordance with Government Regulation Number 24 of 1997 will provide the following advantages:

a) For the community

1. The new system will create a sense of security for the rightful owners of the land rights, because they avoid the fear of being sued.
2. It helps make it easier for the community to obtain property rights on land, because the procedure for obtaining land rights is no longer rigid especially for the evidence provision.
3. The economy of the community becomes more advanced; this is possible, because in reality the certificate can be used as collateral for money loans at the bank.
4. It simplifies the transfer of rights; With the certificate, it will be easier to transfer land rights, because one may simply present a certificate to the National Land Agency along with other terms and conditions.
5. Increases land prices; Land that has been registered will have a certificate, lands with certificates will usually have a higher selling value rather than lands without certificates.
6. It is easier for communities to obtain data about land because it is possible to use sophisticated tools.

b) Benefits for the government

1. The ease with which the community registers its land will cause more requests from the community to register land rights.
2. Reduces anxiety due to land disputes.
3. Makes it easier to establish policies in the land sector because land administration is more orderly.
4. Profitable for banking institutions; Banking institutions often provide credit to the community by using land as collateral.
5. Facilitates the government in determining policies in other fields such as taxation because it is easier for tax collecting. Such are some of the benefits that may be noticed, both by the government as well as the community, with the renewal of the land registration system through Government Regulation Number 24 of 1997.

2.2 The Positive Impact of Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation Number 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration (CSLR)

The Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation Number 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration (CSLR) states in the "considering" section that complete/comprehensive land registration must be accelerated throughout the Republic of Indonesia in accordance with Article 19 of Act Number 5 of 1960 concerning Basic Agrarian Principles in order to provide legal certainty and legal protection for community land rights fairly and equally, as well as to promote the nation's economy.

According to Article 1 Number (2), Complete Systematic Land Registration, or CSLR for short, is the simultaneous registration of land for the first time for all objects of land registration throughout

the Republic of Indonesia in a single village, kelurahan, or other name. This includes gathering and determining the veracity of physical and legal data pertaining to one or more objects of land registration for the purpose of the registration itself.

According to Article 2 Paragraphs (1) and (2), this Ministerial Regulation's scope and purpose are as follows [7].

1. The scope of this Ministerial Regulation is the acceleration of the implementation of the CSLR program which is carried out per village/*kelurahan* in the cities/regencies, including urban areas, covering all plots of land in the entirety of the Republic of Indonesia.
2. The purpose of the CSLR program is to accelerate the provision of legal certainty and legal protection of community land rights in a definite, simple, fast, smooth, safe, fair, equitable as well as open and accountable manner, in order to improve the welfare and prosperity of the country's economy as well as reduce and prevent land disputes and conflicts.

2.3 The Strength of Proof of Land Rights Certificates A certificate is defined as a letter of proof of rights as mentioned in Article 19 Paragraph (2) Letter c of the Basic Agrarian Law for land rights, management rights, waqf land, ownership rights to apartment units and mortgage rights, all of which have been documented in the pertinent land book, according to Article 1 Number 20 of Government Regulation Number 24 of 1997. According to Article 3 Paragraph (1) of Government Regulation Number 24 of 1997, one of the goals of land registration is to give holders of rights to a plot of land, apartment units and other registered rights legal certainty and protection so they can quickly establish their ownership. Certificates of land rights are given to the legitimate owners in order to provide legal protection and assurance. In contrast, a certificate of land rights is defined as "a letter of proof of rights as referred to in Article 19 Paragraph (2) letter c of Act Number 5 of 1960 concerning Basic Regulations on Agrarian Principles for land rights, management rights, and waqf land, each of which has already been recorded in the relevant land book" in Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation Number 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration (CSLR).

According to Basic Agrarian Law, there are three types of legal certainty about land rights: 1. certainty about the goal of land rights; 2. confidence about the subject matter of land rights; and 3. clarity about the status of land rights [8]. In particular, the "unique" character of each land piece in question is technically necessary for the assurance of the object of land rights. A number of land conflicts that stem from border disputes and the placement of property plots are spared by this peculiarity. Consequently, all parties involved must be able to see the borders, size, and placement of the property plot with clarity.

According to Article 19 Paragraph (2) letter c of Act Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (Basic Agrarian Law), the government's land registration efforts come to an end when solid, legitimate evidence of rights papers are provided. The name of the recorded evidence of land rights is not included in Basic Agrarian Law [9]. The provisions of Article 19 Paragraph (2) Letter c, Article 23 Paragraph (2), Article 32 Paragraph (2), and Article 38 Paragraph (2) of Act Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, also known as Basic Agrarian Law, are elaborated in Article 32 Paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration. These provisions state that land registration produces a strong form of proof. The selected land registration publishing method is a negative publicity system, according to Government Regulation Number 24 of 1997's Article 32 Paragraph (1), which states that certificates are the only reliable evidence of rights and are not absolute proof of rights [10]. As long as there is no more proof to the contrary, the court must consider the physical and legal facts included in the certificate as accurate. Therefore, the court has the power to determine whether evidence is true or accurate, and if it is shown that the certificate is false or incorrect, the necessary adjustments are made.

There are flaws in the terms of Article 32 Paragraph (1) of Government Regulation Number 24 of 1997. Specifically, the state does not ensure the accuracy and legality of the data supplied, and the owner of a certificate is not guarantyd since at any point another party can may contest the certificate if they feel disadvantaged [11]. The provisions of Article 32 Paragraph (2) of Government Regulation Number 24 of 1997 were made in order to conceal flaws in the provisions of Article 32 Paragraph (1) of that regulation, to give the owners of the certificates legal protection from the claims of other parties, and to make it a certificate that is regarded as strong proof.

Certificates as proof of rights are strong if they meet the following cumulative elements:

a. Legally issued certificate on behalf of a person or legal entity;
b. The land was acquired in good faith;
c. The land is controlled in real terms;
d. Within 5 (five) years since the issuance of the certificate no one has filed an objection in writing to the holder of the certificate and the Head of the local Regency/City Land Office or did not file a lawsuit in court regarding the land acquisition or issuance of the certificate [12].

2.4 Law Enforcement Theory

The phrase "law enforcement," which refers to a number of initiatives, procedures, and actions to ensure that the law is applied correctly, is sometimes translated as "penegakan hukum." Penegakan (enforcement) is derived from the basic term "tegak (upright)," which means: stand up, straight upward, stay solid, remain unchanging, alone, as tall as a human stands, according to the Kamus Umum Bahasa Indonesia (General Indonesian Dictionary) [13]. On the other hand, penegakan (enforcement) refers to the act of

enforcing items, etc. Soekanto, as cited by Soerjono [14]. As a series of last steps in the translation of values to establish, maintain, and preserve harmony of existence, the heart of law enforcement is the harmonious interaction between the ideals specified in firm regulations and concrete behaviour. Suharto, cited by R. Abdussalam [15]. said that law enforcement is a set of acts taken by law enforcement professionals in both prosecution and preventive measures in order to apply relevant legal requirements and establish a secure, peaceful, and orderly environment for legal certainty in society. According to the aforementioned explanations, law enforcement is a set of endeavours, activities, and actions that are organised using a variety of tools in order to achieve the goals set out by the legislators. Furthermore, it might be argued that law enforcement and the judicial system are not entirely distinct endeavours. The fundamental principles of developing a number of provisions in the area of eliminating and preventing criminal acts of corruption, as well as the articulation of these legal ideals in a wide range of legal norms, must also be connected to law enforcement. Law enforcement is not limited to the more oppressive act of compelling individuals or groups that do not adhere to the relevant rules to do so. Additionally, law enforcement might be
regarded as an opportunity to influence individuals or different parties involved in the application of legal laws, allowing the law to operate both as it is and as it ought to. Socialisation, counselling, and legal education for the community should be inextricably linked to law enforcement in a wide sense if the latter interpretation is included into the concept of law enforcement. J.B.J.M. Ten Berge discusses administrative law enforcement tools in regard to the problem of law enforcement, including [16]. a. Monitoring and b. Sanctions.

The goal of law enforcement is to implement concepts of societal benefits, fairness, and legal certainty. Therefore, the manifestation of ideas is the essence of law enforcement. The practice of upholding or assisting in the practical application of legal standards as a guide for offenders in traffic or legal interactions in public and state life is known as law enforcement. The goal of law enforcement is to bring people's expectations of legal notions and ideas to life. Law enforcement is a multifaceted procedure [17]. Government administration in law enforcement considers humanitarian considerations (justice) in addition to legal clarity in the form of normative norms. Because law enforcement is based on the rule of law, which is developed via human involvement in social relationships and affiliations, it is always beneficial to human existence. But as soon as the law is created, it controls and guides how people behave in social situations. Therefore, it is not surprising that the entire concept and discussion of law must always start and lead to aspects of human life that continue to grow and develop in various aspects; consequently, law enforcement must also change and develop continuously in a positive way that is in line with the development of culture and civilisation, which directly relate to the entire system of means to implement the law and its enforcement mechanism [18].

2.5 Theory of Legal Certainty

Republic of Indonesia's Constitution of 1945 states that: Every person has the right to recognition, guarantee, protection, and legal certainty that is fair as well as equal treatment before the law [19]. Charles Himawan stated: These regulations are sometimes so numerous that they cause obscurity in the applicable laws. If the authoritative law means that the law that is obeyed by the people, both the person who made the law and the person against whom the law was intended, the connection between humans and the law can be seen here. The need for authoritative law to support development can also be felt. The need for legal certainty is observed in defferent contexts [20].

There is one interesting thing from the view expressed by the legal scientists/scholars above, namely the need for authoritative law. In other words, the authority of the law becomes a legal indicator to be obeyed. It seems that this cannot be separated from the purpose of establishing the law itself. This indeed cannot be separated from the background of thought underlying the birth of a legal norm. In addition, the time and place of the validity of the law are also quite influential.

The purpose of the formation of the law can be defined in various perspectives. In this regard, it is worth noting the opinion expressed by O. Notohamidjojo concerning the purpose of the law, namely: "To protect human rights and obligations in society, to protect institutions in the community (in a broad sense, which includes social institutions in the political, social, economic and cultural fields), on the basis of justice, to achieve balance and peace and general welfare (*bonum commune*) [21].

According to O. Notohamidjojo, there are three legal objectives that need to be mutually harmonious, namely justice, usability, and legal certainty [22]. It should be stated here that in the Legal literature itself, there are various theories about the purpose of law, including the Ethical Theory, which emphasizes justice. The Utility Theory,

which emphasizes the benefit or usefulness.

3. Research Methodology

3.1 Research Type

In this study, the type of data used is qualitative, namely data on the implementation of land registration. Qualitative research emphasizes the pattern of giving an objective description of the actual situation, related to the object of research and based on data that appears in the form of words and not numbers [23].

This type of research can be classified into the category of library research with the type of data that is qualitative and descriptive.

3.2 Data Source

In relation to data sources, Salim and Nurbani state that the data source is where data is obtained. Data sourced are classified into two types, which include:

- Primary data sources, and
- Secondary data sources.

The source of primary data is data obtained directly from the community to be studied. The primary data source is also called basic data or empirical data. Secondary data sourced are data obtained from library materials or literature that is related with the object of research. In normative legal research, the main data source comes from library literature [24].

3.3 Research Approach

This study uses an empirical juridical approach or is also referred to as the norm or rule of law approach. Rony Hadityo Soemitro stated: “In order to be able to complete a scientific study, an appropriate approach method is needed in accordance with the formulation of the predetermined problem. The method of approach chosen in this study is to use an empirical juridical approach [25].

4. Discussion

4.1 Law Enforcement in the Implementation of the Land Registration System and Procedure for the Issuance of Certificates of Land Rights in Indonesia

5. The legislature's law enforcement efforts aim to establish Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (the Republic of Indonesia's 1945 Constitution) and Negara Pancasila (the Pancasila State) as the fundamental framework for the creation of agrarian law. This means that the following statutory regulations and implementing regulations below them must take into account the core principles of Negara Pancasila (the Pancasila State) and Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (the Republic of Indonesia's 1945 Constitution), including moral, welfare, justice, equality, and human rights enforcement. Furthermore, the legislature supervises the judicial and executive branches' execution of legislation [26]. There are two ways that executive institutions' execution of legislative requirements reflects their commitment to human rights and law enforcement. Peraturan Pemerintah (Government rules), Peratuan Presiden (Presidential Regulations), Keputusan Presien (Presidential Decrees), and Peraturan Menteri (Ministerial Regulations) are examples of rules created to carry out legislation. Second, by carrying out different field-specific implementing rules. Above all, executive institutions must operate on the basis of strong principles and go beyond formalities and manners. The idea of Negara Pancasila (the Pancasila State) and Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (the Republic of Indonesia's 1945 Constitution) incorporate core principles including justice, welfare, democracy, and human rights. Therefore, the government's rules for enforcing laws must be practical, upholding the principles of justice, and not dictatorial and oppressive. Through research, inquiry, and court rulings, the judiciary creates legislation and human rights. Therefore, the police, prosecutors, and judges are the judicial institutions that have a duty to protect the law and human rights. Law enforcement officials must create legal tools, including construction and legal interpretations, for the benefit of human rights and law enforcement efficacy. Interpretation makes use of both the actuality of society and the logic of regulation [27].

The experience in the field demonstrates that the court and judicial institution have not properly implemented law enforcement. This is seen in the difficult, costly, and time-consuming process of settling agricultural disputes or conflicts. Agrarian justice should ideally be housed under one roof in order to make the legal system efficient, quick, simple, and affordable. But there hasn't been a unique agricultural court up to this point.

In theory, law enforcement in rural areas must be completed thoroughly, particularly when it comes to implementing law enforcement in situations involving agricultural resources. Law enforcement in the agricultural sector is influenced by three aspects: corruption factors, law enforcement competence, and coordination factors amongst ectorals [28].

In order to handle criminal, civil, and state

administrative issues pertaining to agricultural affairs more effectively, efficiently, affordably, and accurately, it is imperative that a "one roof" agrarian law institution be established right now. The "one roof" legal system is also crucial for addressing the age-old query of how different legal rules are interpreted. As a result, judges may compare how they handle matters pertaining to the environment and natural resources.

The establishment of the existing land registration system necessitates significant and ongoing efforts to monitor its execution and make changes in relation to the enforcement of agrarian legislation. A system of checks and rechecks on the accuracy of data and supporting documentation is absolutely necessary in the implementation of land registration. This is necessary because cases in the land sector that continue to arise show that there are still gaps in the management of good land administration, whether intentional or accidental. Law enforcement is required to achieve legal clarity in land registration. "The task of law enforcement is not only placed on the shoulders of the police," claims J.B.J.M. Ten Berge. Every legal subject in society has a responsibility to enforce the law. Nonetheless, the government has primary responsibility for enforcing public law. Ten Berge, J.B.J.M.

mentions several aspects that must be noted or considered in law enforcement, namely:

a. A regulation must allow little space for differences in interpretation;
b. Conditions for exceptions must be limited to a minimum;
c. Regulations must be directed as much as possible to a reality that can be objectively determined;
d. Regulations must be enforced by those affected by said regulation and those burdened with (legal) enforcement.

In order to prevent double certificates, law enforcement officials, in this case *Dewan Perwakilan Rakyat* (House of Representatives) officials must be monitored so as not to commit administrative violations. Law enforcement apparatus includes an understanding of law enforcement institutions and law enforcement officials in a narrow sense, law enforcement officials involved in enforcing the law, starting with the police, legal counsel, prosecutors, judges and prison guards. In the process of the working of the law enforcement apparatus, there are 3 (three) important elements that are influential, namely:

a. Law enforcement institutions along with various supporting facilities and infrastructure and institutional work mechanisms;
b. Work culture related to its apparatus, including regards to the welfare of its officers/officials, and
c. A set of regulations that support both institutional performance and those regulating legal material that are used as work standards, both in terms of their material law and procedural law. Systematic law enforcement efforts must pay attention to these three aspects simultaneously, so that the process of law enforcement and justice itself can be manifested internally.

Ten Berge said that the execution of fines and monitoring are tools of state administration law enforcement. Sanctions are a repressive measure to ensure conformity in a legal state, while supervision is a preventive measure. As a result of the government's concept of the welfare state, which involves extensive interference in people's lives in areas such as politics, religion, society, culture, and so forth, supervision of government actions is intended to ensure that the government carried out its operations in accordance with legal norms and to provide the people with assurance from the government's actions. It is necessary to protect the interests of the people that are implemented in the form of government activity supervision.
The National Land Law (NLL) regulation is crucial to making this a reality. The Basic Agrarian Law, which serves as the foundation and legal cornerstone for other individuals and other organisations to own and manage land in order to satisfy their requirements, for commerce or development, contains the majority of the National Land Law's provisions [29].
A land registration is indicated by the Badan Pertanahan Nasional/BPN (National Land Agency/NLA) office issuing a certificate. However, in practice, the effectiveness of issuing land certificates can still be questioned in terms of providing legal certainty and protection; that is, whether the certificate actually protects the rights (subject) or the land (object) or just the physical evidence of the certificate, as it frequently happens when the matter is brought before the court, can be formally recognised as a certificate, but does not protect the subject and object. The general court may have declared that the individual listed in the certificate was not really entitled to the contested property, but the State Administrative Court may decline to revoke the land certificate [30].
Certificates are not the sole way to prove land rights, even if their primary purpose is to serve as evidence. Other types of proof may still be used to establish someone's land rights. In the case of transfer rights, for instance, certificates are crucial pieces of evidence. Legal actions to transfer rights, such as purchasing and selling land, exchanging, granting or testamentary grants, etc., aim to transfer land rights to other parties (who meet the requirements as rights holders).

5.1 Legal Responsibility of the Head of the National Land Agency Regarding Double Certificates Issued in the Implementation of Land Registration

The responsibility of the Head of the Land Agency, in relation to the dual certificate issue, is very clearly stated in the land registration system agreement. Certificates are the result of administrative and legal processes. That is why violations in the form of double certificates are administrative violations and violations of laws that must

be accounted for. Officials that render double certificates must

be punished because they relate to negligence and punishment of the chief officials of the National Land Agency which causes the double certificate to be a form of law enforcement. Article 62 Paragraph (2) of Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation Number 3 of 2011 concerning the Management of Land Case Studies and Handling confirms that administrative law has its defects as referred to in Paragraph (1) that are as follows:

a. Procedure errors in the process of determining and/or registering land rights;
b. Procedure errors in the process of registering the transfer of rights and/or substitutes certificates;
c. Procedure errors in the registration process for affirmation and/or recognition of rights to former land owned by tradition;
d. Procedure errors in the process of measuring, mapping and/or calculating the land area;
e. Overlapping rights or certificate of land rights;
f. Error of subject and/or object of rights; and
g. Other errors in the application of legislation.

According to Article 64 of Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation Number 3 of 2011, interested parties, applicants, or their proxy may submit applications or legal actions for land administration on certificates of land rights with administrative legal defects. The Republic of Indonesia's National Land Agency (RI NLA) apparatus that has evidence of procedural errors in the administration of the issuance of certificates of land rights, parties who have been harmed by the issuance of an invalid certificate of land rights, and the concerned parties mentioned in Article 64 Paragraph (1) are all subject to Article 65. The seven (seven) categories of administrative flaws listed in Article 62 of the Regulation of the Head of the National Land Agency Number 3 of 2011 still need further research since there are still a lot of unanswered problems. This is stated in Government Regulation Number 24 of 1997 concerning Land Registration, Article 62 [31]. When performing their duties, the Land Titles Registrar (LTR) disregards the provisions mentioned in Articles 38, 39, and 40, as well as instructions and provisions provided by the Minister or appointed Officer. This can result in administrative action in the form of written warnings until the LTR's position is terminated, and it increases the likelihood that parties who suffer losses as a result of the LTR's negligence will be prosecuted for damages. In particular, Article 63 of this Government Regulation contains the following sanctions for National Land Agency Office officials: The Head of the Land Office who, in performing their duties, disregards the provisions of this Government Regulation, the provisions in its implementing regulations, and other provisions in carrying out the duties of land registration activities is subject to administrative sanctions in accordance with the applicable laws and regulations [32].
The KUHP (Criminal Code) contains provisions to trap criminal offenders in the field of land registration, among other things, by using Article 423 Jo. In relation to the officials' negligence, there is a criminal violation in land law in the making of physical data and juridical data conducted by several related parties, such as the Head of the Land Office, Sub-District, and the person requesting said rights. The Criminal Code's Article 425 Paragraph (1) and Article 55 about Jo's involvement (delneming). The Criminal Code's Article 385 addresses deception (bedrog). This implies that in each of the three items, an official who seeks to further their own interests and those of others involved would disregard the responsibilities and authority of officials who abuse their position to carry out illegal acts. It is necessary to re-examine whether the action has been replaced with a different benchmark that does not match the original size because physical data that does not match the actual situation in the field is suspected of being an indication of negligence from the apparatus that made a boundary or benchmark in the relevant land book. According to Article 406 and Article 407 Paragraph (1) of the Criminal Code, the intentional action is an indicator of harm to goods. According to Article 1365 of the Civil Code, anybody who breaks the law and causes injury to another person must make amends for the loss they caused. Additionally, according to Article 1366 of the Civil Code, everyone is liable for damages resulting from carelessness or inadvertence in addition to losses brought on by their own activities.

5.2 Global Positioning System (GPS) in the implementation of land registration of its relevance to law enforcement in the land sector in Indonesia

In order to accelerate the arrangement of measurement and mapping of land plots, it is possible to use modern technology with a Global Positioning System (GPS) and computerized data storage management. GPS is a system that maps the location of the earth's surface with the help of synchronization through satellite signals that emit microwave signals to the earth, these signals are received by reception devices on the earth's surface and are used to indicate the location of the earth's surface using time and speed.
In Article 14 of Government Regulation Number 24 of 1997 concerning Land Registration, it is stated that:

1. Measuring and mapping activities are carried out for the purposes of collecting and processing physical data.
2. Measuring and mapping activities as referred to in Paragraph (1) include:
   a. the making of registration-based maps;
   b. the setting of boundaries of plots of land;
   c. the measuring and mapping of land plots and the making of registration maps;
   d. land listing;
   e. The making of measuring letters.

Land registration activities that include measurement activities, mapping and bookkeeping of rights are closely related to technical, juridical, and administrative data on land plots. The acquisition, management and handling of land data is different from other engineering activities. The specificity of the implementation of land registration is very much related to the consideration of providing legal certainty and protection of the subject and object of land

rights. In order to be able to provide legal certainty over the object of land rights, the measurement of the requested land must fulfill the cadastral technical rules and juridical rules in which the methods and procedures for obtaining land size data fulfill the principle of contradictory delimitation and publicity principles [33].

Thus, it can be said that the relevance between the use of the Global Positioning System (GPS) with the aim of law is to provide hope that the possibility of overlapping a land area in the future can be minimized and, of course, the procedure for registering land rights for the community will be easier. In other words, it can be understood that in using this modern tool in land registration activities can achieve expectations, namely the absence of overlap in the issuance of certificates of land rights because the land coordinates are clear.

The Global Positioning System (GPS) can realize a legal certainty as well as legal protection for landowners. One of the objectives of land registration will be realized, namely to provide legal certainty and legal protection to the holders of the rights to a plot of land, apartment units and other registered rights so that they can easily prove themselves as the rightful holder of rights.

5.3 Conclusion

a. Government Regulation Number 24 of 1997 concerning Land Registration serves as the foundation for law enforcement in the implementation of the land registration system for the realisation of legal certainty in the process of issuing land rights certificates. This regulation states that land disputes—in this case, double certificates—are resolved through three (three) methods: 1) direct settlement by the parties through deliberation; 2) arbitration and alternative dispute resolution; and 3) judicial institution. However, procedural errors in the process of establishing and/or registering land rights as a basis for cancelling land rights certificates without a court decision are challenging to implement if they are contested and still require additional confirmation of the veracity of the request for cancellation and the actions taken by the National Land Agency for law enforcement, specifically by advising the court because it necessitates a court ruling with permanent legal force. b. The rules governing the land registration system make it quite clear what the Head of the Land Agency is responsible for in regards to multiple certifications. Due to their carelessness, authorities who produce multiple certifications must be held accountable, and the National Land Agency's top officials who created the double certificate are subject to penalties. The category of administrative legal faults is thoroughly confirmed in Article 62 Paragraph (2) of Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation Number 3 of 2011 about the Management of Land Case Studies and Handling. Article 63 of this Government Regulation specifically addresses sanctions for National Land Agency Office officials: The Head of the Land Office is subject to administrative sanctions in accordance with the applicable laws and regulations if, while performing their duties, they disregard the provisions of this Government Regulation, the provisions in implementing regulations, and other provisions. c. The use of the Global Positioning System (GPS) is relevant to the goal of the legislation, which is to provide landowners with both legal protection and legal certainty. One of the goals of land registration will be accomplished, which is to provide holders of rights to a piece of land, apartments, and other registered rights legal certainty and protection so they may readily establish their ownership.

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