



Legal Analysis of Land Certification Policy from the Perspective of Legal Certainty of Land Rights

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Abstract

This study aims to analyze land certification policies in order to realize legal certainty of land rights, with a focus on the implementation of the Complete Systematic Land Registration (PTSL) program in Raas District, Sumenep Regency. The method used in this study is a normative juridical method with a legislative and conceptual approach. Data sources were obtained from primary legal materials such as the Basic Agrarian Law, Government Regulation No. 24 of 1997, and Regulation of the Minister of ATR/BPN No. 6 of 2018, supported by secondary legal materials in the form of scientific journals, books, and reports from related agencies. The results of the study indicate that the PTSL program has been normatively designed to provide legal protection for community land rights, however, its implementation in Raas District is still faced with various obstacles. These include low community participation, limited ownership documents, land boundary issues, and a lack of community legal understanding. Although the policy is aligned with the principle of legal certainty, its effectiveness is hampered by the lack of resources, infrastructure, and accessibility in the island region. This indicates a gap between legal norms and social reality. This study recommends the need to strengthen inter-institutional coordination, increase land service capacity, and provide ongoing legal outreach to ensure equitable and just legal certainty for communities in remote areas.

Introduction

Land is the foundation of all life. As a primary element in sustaining life, land plays a crucial role, not only as a medium for production but also as a place for residence. Land is a key resource in building a just and prosperous society (Rahmadhani et al., 2024). The high human demand for land makes it a vital asset in social, economic, and legal life. Ismail (2012) said that, land is not only a place to live but also a source of livelihood, a place for business, and even an investment.

Therefore, having clear land legal status is crucial to ensure legal certainty and legal protection for both owners and users (Nathania et al., 2024; Nurhikmah et al., 2024; Pangaribuan et al., 2024). Land ownership in Indonesia is marked by proof of ownership in the form of a land certificate obtained through the land registration process (Haspada, 2025; Miptahuddin, 2024; Yubaidi et al., 2022). Land registration provides legal certainty provided by the state to citizens regarding land ownership in Indonesia.

This is in accordance with the provisions of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), especially in Article 19 paragraph (1) of the UUPA, which states that "To guarantee legal certainty, the government shall conduct land registration throughout the territory of the Republic of Indonesia according to the provisions stipulated by government regulations." Then, regarding land registration, it has also been regulated through Government

Regulation Number 10 of 1961 which was later refined by PP No. 24 of 1997 concerning land registration. Land certificates issued by the National Land Agency (BPN) are proof of rights that have higher legal force compared to other evidence such as inheritance statements, girik, deeds of sale or deeds of gift (Suleman & Arfan, 2024; Simanjuntak et al., 2025).

This is because the land certification process involves standardized and official measurements, legal examinations, and administration, so that the data in the certificate includes accurate information regarding the location, boundaries, area, and legal status of the land (Tsfaye et al., 2023). By having a certificate, landowners can confirm the legality of their rights and avoid the risk of losing their land rights. Land certificates offer various benefits, such as reducing the likelihood of disputes with other parties or agrarian conflicts that often arise from overlapping claims, evictions, or non-transparent land acquisition processes (Putra, 2021; Klabatina, 2024).

They can strengthen a person's bargaining position if land rights are needed by another party for development activities, streamline the transfer process, and so on (Murni & Sulaiman, 2022; Asdhar, 2008). Having a certificate has greater value than other written evidence, as it serves as strong proof of rights. In addition to providing legal protection, land certification also has significant economic benefits (Feder, G., & Nishio, 1998; Deininger et al., 2011; Mengesha et al., 2019).

Certified land has a higher economic value because it is easier to use as collateral for loans from financial institutions. Amadi-Echendu & Amadi-Echendu (2016) said that, land sales, donations, inheritances, or transfers can be carried out more easily and quickly if the land is certified, as all necessary data is officially recorded in the document. Land certificates are even a primary requirement for investment and development activities, both by the government and the private sector, to avoid future legal issues (Fortin & Richardson, 2013; Deininger & Feder, 2009).

Furthermore, land certificates are also a strategic instrument in spatial planning and regional development (Hersperger et al., 2019; van et al., 2014; Kalogiannidis et al., 2024). The government can more easily equalize, regulate, and monitor land use based on its intended use if all land parcels are clearly recorded through the certification process. This is crucial to prevent land conversion that is inconsistent with spatial planning and to preserve the environment. Erwiningsih (2023) said that, uncertified land is prone to misuse, as its unclear status can be exploited by certain parties to claim or illegally convert the land.

In Indonesia, where many people still lack access to land, land availability is crucial, and disputes over land ownership often end up in court. According Razavi (2003) and Wittman (2009) Control over land is a key element in agrarian politics, where land ownership plays a central role in shaping the social fabric of society. Fuad et al. (2023) and Degens (2021) said that, therefore, issues of land ownership and proof of ownership are crucial for the sustainability of human life. The large amount of uncertified land on Raas Island is undoubtedly due to various factors that make people reluctant to register their land rights.

The perception that obtaining a certificate is time-consuming, complicated, and expensive is an undeniable factor. Access to land services is also a challenge for the people of Raas Island, located in remote areas. Limited infrastructure and transportation make the land certification process more difficult and time-consuming, and the lack of human resources familiar with certification procedures also hinders the implementation of land certification (Velaoras et al., 2025). Based on the description above, it appears that the implementation of land certification on Raas Island, Sumenep Regency, Madura, is a crucial issue that not only requires a review of the legal regulatory aspects, but also requires an in-depth study of the implementation and

factual dynamics in the field, so that it has a direct impact on efforts to realize legal certainty of land rights for the local community.

Methods

The research method used in this study is normative juridical, a legal research method conducted by examining primary and secondary legal materials related to the problem under study. This research focuses on positive legal norms governing land certification within the framework of realizing legal certainty of land rights, specifically from the perspective of agrarian law in Indonesia. Normative juridical research aims to examine the synchronization of laws and regulations related to land certification, including their implementation within the context of the national legal system. The approaches used in this research are the statute approach and the conceptual approach, which aim to analyze relevant legal provisions and how the concept of legal certainty is applied in the land certification process. The objects of study in this research are the legal norms contained in the Basic Agrarian Law, Government Regulations, Regulations of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), and other technical regulations governing land certification procedures and requirements. Furthermore, the legal principles underlying the land certification process as a means of legal protection for rights holders are also examined. Although this study does not employ an empirical approach, locations such as Raas Island in Sumenep Regency, Madura, serve as an illustrative context to clarify the urgency and importance of discussing legal certainty in the land certification process in archipelagic regions with specific geographic and social characteristics. Raas Island, consisting of nine villages, is inhabited by people whose primary livelihoods are fishermen and farmers, who often face various administrative and regulatory challenges in accessing land services. By using a normative juridical approach, this research is expected to contribute theoretical and prescriptive analysis to land certification regulations and offer normative solutions to the legal obstacles that arise in their implementation, particularly in the context of archipelagic regions such as Raas Island.

Data Collection Technique

The data collection technique in this study was library research, which is the primary method in the normative legal approach. Data were obtained through a review of various legal materials, both primary and secondary. Primary legal materials include laws and regulations governing land registration and legal certainty, such as Law Number 5 of 1960 concerning the Principles of Agrarian Affairs (UUPA), Government Regulation Number 24 of 1997 concerning Land Registration, and Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration (PTSL).

Meanwhile, secondary legal materials consist of legal literature, scientific journals, previous research results, credible media articles, and official documents from relevant ministries or institutions, including the National Land Agency (BPN). Data collection was conducted systematically to support a normative analysis of the implementation of land certification policies, particularly in Raas District, in order to assess the extent to which these policies align with the principles of legal certainty as stipulated in the national agrarian law system.

Data Analysis Techniques

After all the data used in this research was collected, data analysis was conducted. The data analysis method used in this study was qualitative analysis. The collected data was analyzed to gain clarity on the issues to be discussed. All collected data was edited, processed, and systematically organized to be presented in descriptive form, which was then summarized. The

nature of descriptive analysis means that the researcher's analysis aims to provide a description or explanation of the research subjects and objects, as well as the results of their research.

Results and Discussion

Normative juridical analysis by analyzing the applicable laws and regulations regarding land registration and the principle of legal certainty of land rights in Indonesia. The research focuses on the implementation of land certification policies in the form of the Complete Systematic Land Registration Program (PTSL) and its implementation (or lack thereof) in Raas District, Sumenep Regency.

PTSL Policy and the Principle of Legal Certainty

The land certification policy in Indonesia normatively refers to several main legal provisions, namely: Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), which requires the government to organize land registration to ensure legal certainty. Government Regulation Number 24 of 1997 concerning Land Registration, which strengthens the legal basis for the implementation of systematic land registration. Regulation of the Minister of ATR/BPN Number 6 of 2018 concerning PTSL, as a national program to accelerate the registration of all land plots in Indonesia for free or at low cost. Land title certificates are valid and strong proof of rights, provide legal certainty for rights holders, strengthen their position in sales transactions, inheritance, and financing guarantees, and are a form of state recognition of the civil rights of its citizens.

Legal Facts: Raas District is Not Included in the PTSL Program

Although the PTSL policy is normatively designed to apply nationally, data analysis results indicate that Raas District was not included in the PTSL program target area until 2025. Based on data from local media and official reports, the following is the distribution of PTSL recipient areas in Sumenep Regency:

Table 1. Status of Raas District in the Sumenep Regency PTSL Program

Year	PTSL Target Villages/Sub-districts	Raas District Included?	Information
2023	7 villages in 5 sub-districts	No	Land focus
2024	23 villages in 12 sub-districts (including Giliyang & Dungkek)	No	Focus on a specific area
2025 (proyeksi)	12 villages in 8 sub-districts	No	There are no plans to add Raas yet

Raas's non-involvement in this program is an important finding in the legal context, because it indicates a gap in implementation between national legal norms and policy realities at the local level, especially in island and remote areas such as Raas.

Implications of the Absence of a PTSL Program in Raas

Legally, the absence of the PTSL program in Raas District indicates the failure to achieve the principle of legal certainty (*rechtssicherheit*) as mandated by the Basic Agrarian Law (UUPA). Raas residents must access land certificates through more expensive and complex regular mechanisms. As a result, the majority of land in Raas remains uncertified, directly impacting the weak legal protection of land ownership. When land rights are not formally protected, the

legal position of landowners becomes highly vulnerable in disputes, both between residents and with external parties. The absence of certificates also means the loss of a legal instrument that serves as strong evidence in sales, inheritance, or court proceedings. In a socio-economic context, Raas residents lose access to productive credit facilities from financial institutions due to a lack of legal guarantees.

Furthermore, this policy imbalance exacerbates the gap between mainland and island regions. The state appears to be absent from the outermost regions that most need legal protection. In the long term, this can hinder equitable development, create structural inequalities, and weaken the legitimacy of state law in the eyes of marginalized communities. The legal and social consequences that arise include:

Table 2. Legal and Social Consequences of the Absence of the PTSL Program in the Island Region

Conditions that Occur	Legal Consequences	Social & Economic Impact
Lack of official proof of title (certificate)	Weak legal protection; communities lack legal standing in disputes	Vulnerable to land ownership conflicts, particularly due to overlapping claims
Land not yet certified	Cannot be subject to legal guarantees	Communities lose access to business capital, banking programs, and productive financing
Island areas not included in PTSL	Inequality in the implementation of the principle of legal equality	Communities feel neglected by the state, triggering feelings of injustice and marginalization
Traditional documents (girik, Letter C) are not administratively recognized	Failure to meet formal requirements for land registration according to Government Regulation No. 24 of 1997	Inheritance disputes are increasing, land boundaries are unclear, and conflicts between families and residents remain unresolved

Within the national agrarian legal framework, the principle of fair access to law should be the basis for policymaking. Therefore, several steps are needed to address this inequality:

Table 3. Strategic Recommendations: Bridging Agrarian Legal Inequality in Archipelagic Regions

Strategic Steps	Legal and Social Objectives
Affirmative action policies specifically for island regions	Ensure equitable access to PTSL (Land Use System) for communities in the 3T (frontier, outermost, and disadvantaged) areas, such as Raas.
Simplifying administrative requirements based on local realities	Recognize the legality of traditional documents such as girik (land title) or Letter C (letter C) to facilitate certification.

Strengthening the role of village and regional governments	Act as a bridge between community aspirations and the central ATR/BPN (National Land Agency) and bring agrarian legal services closer to home.
Land digitization and mobile services	Increase efficiency and transparency, and reach villages with limited transportation access.
Agrarian law education based on local wisdom	Build legal awareness at the grassroots level through language, culture, and local figures.

Overall, the absence of the PTSL program in Raas District demonstrates the state's absence in guaranteeing legal certainty over land rights in outlying areas. This contradicts the spirit of the UUPA and the principles of social justice as mandated by the constitution. Therefore, the existence of a land certification program in Raas is not merely an administrative necessity, but a legal and moral imperative for the state to provide fair legal protection for all citizens without geographical discrimination.

Land certification is a crucial legal instrument for ensuring legal certainty regarding land rights for the community. Normatively, the existence of land certificates is affirmed in Article 19 paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), which states that to ensure legal certainty, the government organizes land registration throughout the Republic of Indonesia. This provision is reinforced by Government Regulation Number 24 of 1997 concerning Land Registration and implemented through Regulation of the Minister of ATR/BPN Number 6 of 2018 concerning Complete Systematic Land Registration (PTSL). From a legal perspective, land certification is a form of state legal protection for citizens' civil rights over the land they own or control. Land certificates not only serve as the strongest and most authentic evidence as stipulated in Article 32 of Government Regulation No. 24 of 1997, but also reflects the state's role in ensuring legal certainty and a sense of security for landowners from potential disputes, agrarian conflicts, or arbitrary takeovers by third parties.

However, legal studies indicate that Raas District, Sumenep Regency, will not be included in the PTSL Program target area as of 2025, as determined by the ATR/BPN. Raas District's non-involvement in this national strategic program demonstrates the unequal implementation of agrarian law principles in the archipelago. Based on official reports and regional reports, the priority for PTSL implementation remains focused on mainland areas, covering only a few villages in certain islands, such as Giliyang (Dungkek District) and Sapeken. This situation creates a discrepancy between national legal norms and the reality of implementation on the ground. From the perspective of the principle of *rechtssicherheit* (legal certainty), as stated by Gustav Radbruch, the law should guarantee predictability and equal protection for all citizens regardless of geographic location. When residents of Raas District lack access to the PTSL program, they lose the opportunity to obtain legal proof of land ownership, which weakens their legal and economic protection.

The lack of access to PTSL also has the potential to reinforce structural injustice, where people living in 3T (frontier, outermost, and disadvantaged) areas like Raas must navigate more complex and expensive certification bureaucracy through regular channels. This contradicts the spirit of PTSL, which aims to simplify, accelerate, and equitably distribute land services. Furthermore, in the context of legal certainty, traditional ownership documents such as *girik* (land title deeds), Letter C (C), or oral inheritance certificates, which are still widely used in Raas, do not have the same evidentiary power as land title certificates. As a result, the Raas

community is vulnerable to unilateral claims, land boundary conflicts, and difficulties in accessing banking facilities or using land as collateral. This disorderly land administration also complicates the state's spatial planning, land use monitoring, and accountable development implementation.

Legally, this reflects a gap between the principles of legality and legal effectiveness. Regulations on land certification are available and comprehensive, but their effectiveness depends on equitable implementation and responsiveness to the geographic and social conditions of the community (Lambin et al., 2014; McDermott, 2013; Mutersbaugh, 2005). Without the presence of the state through affirmative action policies, regions like Raas will continue to be left behind in the formal legal system, leaving residents dependent on an unwritten legal system that lacks protection. Therefore, from a normative perspective, an evaluation of national agrarian policies is needed to make them more inclusive of island regions (Karelakis et al., 2020; Chandra, 2011; Baldacchino, 2006). The government should not only focus on easily accessible mainland areas but also encourage strengthening legal access in outlying areas by equitably allocating PTSL quotas and developing land registration mechanisms that adapt to local documents. This approach aligns with the principle of substantive justice, where the law is not only applied formally but also takes into account the socio-economic conditions of the community.

Conclusion

This research shows that the land certification policy through the Complete Systematic Land Registration Program (PTSL) is a crucial legal instrument for achieving legal certainty over land rights. This policy has a strong legal basis, as stipulated in Law Number 5 of 1960 (UUPA), Government Regulation Number 24 of 1997, and Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 6 of 2018. Land certificates resulting from the land registration process not only serve as authentic legal evidence but also guarantee legal protection for citizens' civil rights and provide economic, social, and administrative benefits. However, gaps remain between legal regulations and policy implementation in certain areas. Based on data and legal studies, Raas District in Sumenep Regency will not be included in the PTSL target area until 2025. This situation creates unequal access to legal protection, with the Raas community not yet receiving formal legal guarantees of land rights through certificates. The absence of the PTSL program in Raas demonstrates the state's inability to guarantee legal certainty equitably throughout Indonesia, particularly in the island regions classified as frontier, outermost, and disadvantaged (3T) regions. Yet, under the principle of a state governed by the rule of law, all citizens have the right to equal treatment before the law, including in terms of land ownership and protection. Therefore, affirmative policies and regulatory reforms targeting island regions such as Raas District are needed. The government needs to allocate PTSL quotas fairly, simplify administrative requirements for traditional land documents, and strengthen agrarian law education in the regions. With these steps, the principles of legal certainty and substantive justice in agrarian law can be truly realized, not only in regulatory texts, but also in community legal practices and experiences

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