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Resolution of Land Ownership Disputes between Certificate Holders and Grant Claimants in Tulabolo Village

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Abstract:

This study discusses the legal protection for holders of certificates of property rights in the face of land ownership disputes with Grant claims in Tulabolo Village. The main focus of the study was to analyze the legal strength of certificates as evidence of land ownership and the challenges that arise due to oral or customary evidence-based grant claims that are not officially recorded in the National Land Agency (BPN). The research method used is sociological juridical approach with data collection through observation, interviews, and literature studies. The results showed that certificates of property rights provide strong legal protection in a formal manner, but the recognition of Indigenous Grant claims that have evidence of long-term physical control raises tensions between formal and customary law. Preventive and repressive legal protection is needed, ranging from certificate verification at BPN, dispute resolution mediation at the village level, to litigation in court to ensure the rights of certificate holders and justice for grant claimants. The research suggests strengthening the capacity of adat institutions in mediation, optimizing the role of BPN in Document Verification, and providing free legal aid so that access to justice can be implemented equally. Thus, comprehensive legal protection can minimize conflicts and realize legal certainty over land rights in Indonesia.

Keywords: *Certificate Of Title; Grant Claim; Legal Protection*

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Introduction

Land is one of the fundamental human needs that has strategic value in community life. The existence of land not only as a place to live, but also as a means of economic production through plantations, livestock, and various other business

activities. Rapid population growth and economic, social, cultural, and technological developments havesignificantly increased the needfor land, giving rise to various legal issues related to land ownership and tenure (Dhani 2025).

In order to ensure legal certainty in the land sector, the Indonesian government has set up a land registration system through Law No. 5 of 1960 on basic agrarian principles (UUPA) which is reinforced by Government Regulation No. 24 of 1997 on Land Registration. Article 19 of the UUPA requires land registration throughout the territory of the Republic of Indonesia to provide legal certainty and protection to land rights holders. This land registry produces a certificate as a strong proof of rights to land ownership, which serves to prevent disputes related to the use, acquisition, and status of rights to land.

Certificate of ownership of land, as stipulated in Article 32 of Government Regulation No. 24 of 1997, is a proof of ownership that has formal legal force and binding. This certificate provides information about the subject of rights (owner of the land), the object of rights (location, size and boundaries of the land), as well as the legal status of the land. With certificate ownership, landowners are expected to avoid various legal problems such as ownership disputes in the future. However, the reality on the ground shows that the existence of a certificate of title does not completely eliminate the risk of land disputes (Hadiyanti et al. 2017).

Land disputes often occur due to the lack of clarity of ownership status, especially when the right to land is transferred through the mechanism of buying and selling, inheritance, or grants. This problem generally arises due to lack of public understanding of the importance of official land registration in authorized agencies such as the National Land Agency (BPN). One form of dispute that often arises is a conflict between the holder of the certificate of property rights with the party who claims the land based on grants, both grants made formally or based on customary law (Herlintang et al. 2025).

A land grant, according to Article 1666 of the Civil Code (civil code), is an agreement by which the grantor transfers uncompensated and inalienable goods to the donee. In practice, land grants are often made under customary law through oral statements before community leaders or deeds under hand, without going through the official registration process at the BPN. The discrepancy between customary law

practices and the formal legal system stipulated in the UUPA is one of the main factors causing land ownership disputes.

Legal dualism in the transfer of land rights between formal law (based on UUPA) and customary law that is still valid in the community creates a legal gap that triggers prolonged conflict. Although certificates of title have formal legal force as a powerful means of evidence, courts often consider material aspects or substantial truths in dispute resolution. This can weaken the position of the certificate holder if there is evidence that the certificate was issued with procedural defects or data manipulation (IQBAL 2025).

In Tulabolo Village, Bone Bolango Regency, land disputes are a fairly frequent problem. Based on data obtained from village archive documents in 2024, there were at least eight cases of land disputes that had occurred in the region, with various types of disputes ranging from land boundary disputes, land use without permission, land fencing, to inheritance disputes. Most of these cases are resolved through mediation facilitated by traditional leaders and village officials with a family approach. However, there is one case of a dispute that lasted from 2011 to 2024 and has not found a bright spot for settlement, which is a dispute between the holder of a title certificate and the party claiming the land based on the grant (Jamil et al. 2024).

The dispute involved two parties, Pak DI as the holder of a land title certificate issued in 2010, and Pak YG who claimed ownership of the land based on grants and physical control with productive crops such as coconut, durian, and mango. The conflict began in 2011 when Pak DI felled trees and built foundations on land claimed by Pak YG. Mr. YG then reported the action to the police, and both parties finally agreed on a letter of agreement stating that Mr. DI would not interfere with Mr. YG's land tenure (Jayanti 2024).

However, in 2024, the conflict re-emerged when Pak DI built a new water channel and foundation that caused flooding in neighboring houses, as well as tilling the land. Tensions rise when Pak YG's son engages in a physical confrontation with a machete as a form of protest against Pak DI's actions. Mediation efforts facilitated by the head of the village, Non-Commissioned Officers Village supervisor (Babinsa), and Bhayangkara Community Security and order supervisor (Bhabinkamtibmas) did not succeed in resolving this dispute. The first mediation failed due to the absence of

the disputing parties, while the second mediation was hampered by fundamental differences in views on land ownership rights. Pak DI insisted on the certificate of land ownership as formal legal evidence that is legally recognized and rejected the validity suratof the agreement in 2011 by considering it a fake document. On the contrary, Pak YG maintains that the agreement is valid and binding under Article 1338 of the Civil Code which states that the agreement made is legally binding on the parties like a law (Marlin and Marwan 2025).

This case reflects the complexity of resolving land disputes involving conflicts between the legitimacy of formal legal documents (certificates of title) and informal documents (letters of grant agreement). Fundamental disagreements over land ownership rights are compounded by the escalation of emotions shown through confrontational actions, the environmental impact of Waterway Construction, as well as the limitations of local mediation in bridging perceptual differences between the two sides. The lack of verification of the validity of documents by competent authorities such as BPN is one of the obstacles in resolving this dispute (MAULIDHA 2024).

The importance of this study lies in the urgency to understand the mechanism of effective land dispute resolution, particularly in the context of conflict between the holder of the certificate of property rights with the claimant of the grant. This research is expected to contribute in the development of agrarian law, especially related to legal protection for holders of certificates of property rights and a fair dispute resolution mechanism for all parties. In addition, the results of this study can be a guideline for local governments and related institutions in improving policies and mechanisms for the protection of land law, so as to create legal certainty and justice for the community.

Method

The research method in this law journal uses a sociological juridical approach that combines normative studies of legislation and empirical analysis in the field (Marzuki 2006). Primary Data were obtained through direct observation, in-depth interviews with relevant parties such as certificate holders, grant claimants, traditional leaders, and village officials in Tulabolo Village. While the secondary data

were collected from literature studies in the form of legislation, Land Office documents, legal literature, and previous research. The data analysis was done descriptively and qualitatively by linking the field findings to the applicable legal framework, especially the basic agrarian law and the Civil Code regarding land ownership and grants. This approach aims to provide a comprehensive overview of legal protection mechanisms as well as efforts to resolve disputes between property rights holders and Grant claimants in a constructive manner according to the local social and legal context.

Legal protection of Certificate holders of property rights in disputes with Grant claims

Legal protection for holders of certificates of property rights is a fundamental aspect of the Indonesian land system which is normatively regulated through Law No. 5 of 1960 on basic agrarian principles (UUPA) and Government Regulation No. 24 of 1997 on Land Registration. Article 19 of the UUPA stipulates that the certificate of title is proof of legal ownership of the land and has the highest legal force (*rechtmatige eigendom*), which provides legal certainty to the holder unless there is evidence of legal defects in the process of issuance. This certificate is issued through the land registration process by the National Land Agency (BPN) and serves as a powerful means of proof (*sterk bewijs*) of land ownership, which includes physical data such as location, boundaries, and land area, as well as juridical data on the subject of rights and their legal status (Novitasari 2025).

In the context of land ownership disputes in Tulabolo Village, holders of title certificates such as Pak DI have a strong legal standing based on certificates issued in 2010. This certificate gives the holder the full right to control, use, and utilize the land in accordance with its designation, as stipulated in Article 20 of the UUPA which states that property rights are hereditary, strongest, and full rights that people can have on land. Article 32 paragraph (2) of Government Regulation No. 24 of 1997 confirms that certificates issued by BPN have formal legal force and are binding, unless canceled through a court decision due to legal defects, such as registration based on false data or unauthorized procedures (SANTI 2024).

However, in practice on the ground, legal protection for certificate holders is often constrained by claims for land rights through grants that are usually based on

oral evidence or indigenous traditions and are not officially registered with the BPN. In the dispute between Mr. DI and Mr. YG in Tulabolo Village, the grant claim submitted by Mr. YG based on the land grant from AB and the 2011 agreement letter created legal complexity because it contradicted the title certificate owned by Mr. DI. According to Article 1666 of the Civil Code (Civil Code), a grant is an agreement under which the grantor transfers uncompensated and inalienable goods to the donee. However, for land as immovable property, the grant must be made with an authentic deed in the presence of the land deed making officer (PPAT) and registered at BPN in accordance with Article 37 of government regulation number 24 of 1997 in order to have legal force binding on third parties.

The discrepancy between customary law practice and formal law is one of the main factors causing land ownership disputes in Indonesia. In the village of Tulabolo, grants made by Custom through oral statements in the presence of community leaders or through a letter of agreement under hand without official registration at the BPN do not have the same legal force as a certificate of property rights. Although the 2011 letter of agreement signed by Pak DI and Pak YG has the force of law as a contract under the Civil Code under Article 1320 and Article 1338 of the Civil Code, which states that the agreement made is legally binding on the parties like a law, this agreement does not automatically cancel the right of ownership supported by the regulated certificate in the UUPA. The judge in the examination of the dispute will check the validity of the agreement, whether it was drawn up without coercion and with legal capacity, as well as compare it with formal proof of ownership such as a land certificate (Zebua 2025a).

In disputes between certificate holders and Grant claimants, courts often consider material evidence beyond the certificate, especially if there are indications of defects in the certificate issuance procedure or evidence of long-term physical possession by the other party. This created tensions between formal law and customary law that were still strong in the community, which demanded the strengthening of evidence and reconciliation between the two legal systems. In the case of Tulabolo Village, Pak YG claims land based on physical control with the presence of productive crops such as coconut, durian, and mango that he managed for a long time. Article 24 of the UUPA regulates the recognition of rights to land that have not been registered, including rights on the basis of customary law such as

physical possession, but this right is only recognized as long as it does not conflict with rights that have been officially registered. In practice, physical possession under customary law can be used as a basis for a claim, but only if it can be proven that the other party's certificate was issued unlawfully, for example due to a procedural defect or forgery (Zebua 2025b).

Legal protection for holders of certificates of property rights can be divided into two forms, namely preventive legal protection and repressive legal protection. Preventive legal protection is a proactive effort that aims to prevent violations of property rights before further losses occur. This protection is preventive through formal and informal legal mechanisms, such as confirmation of ownership status through BPN, mediation with the authorities, subpoena, and recording of disputes. Based on Article 19 paragraph (2) of the UUPA and Article 32 paragraph (2) of Government Regulation No. 24 of 1997, the property rights certificate owned by Pak DI is a strong proof of land ownership, so Pak DI can apply to BPN to confirm the validity of his property rights certificate, including verifying the history of land registration to ensure that no there is a legal flaw. Pak DI can also request the installation of official boundary signs (Stakes) on his land to prevent claims or interference from other parties, as stipulated in Article 13 of government regulation number 24 of 1997 (Dalimunthe and Ramadani 2025).

In addition, Pak DI can register a special note at the BPN regarding an ongoing dispute to prevent the transfer of rights without his knowledge, according to Article 33 of Government Regulation No. 24 of 1997 which stipulates that any transfer or restriction of land rights must be registered. This recording prevents the transfer of rights or the issuance of new certificates without a clear legal process, thus protecting Pak DI's ownership rights from other parties ' claims. To prevent the escalation of conflict, Pak DI can take advantage of mediation facilitated by the village head, Babinsa (Non-Commissioned Officer Village supervisor), or Bhabinkamtibmas (Bhayangkara Community Security and order supervisor), as has been done in 2024. This mediation can be used to confirm the status of land ownership based on a certificate of title, agree on the boundaries of land use that do not harm the other party, as well as educate the parties concerned about the legal consequences of actions that violate the right of ownership.

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Repressive legal protection aims to deal with violations that have occurred against property rights, both through civil channels to restore rights and criminal channels to sanction perpetrators. Repressive legal protections are reactive and focus on resolving disputes after violations. Pak DI can file a civil lawsuit to the District Court to request a declaratory decision confirming his status as the legal owner of the land, referring to Article 32 paragraph (2) of government regulation number 24 of 1997 which confirms the legal force of the certificate of property rights. In addition, Pak DI can demand compensation under Article 1365 of the Civil Code for unlawful acts by Pak YG, such as the construction of foundations on the land or actions that cause material losses. Pak DI can also request the cancellation suratof the 2011 letter of agreement if it is considered invalid, under Article 1320 jo. Article 1335 of the Civil Code, on the grounds that the agreement contradicts agrarian law or is drawn up under duress (Dewi 2025).

If Mr. YG's actions involve a criminal offense, Mr. DI can report the matter to the police. Some of the relevant articles in the Criminal Code (KUHP) include Article 385 of the Criminal Code regarding the embezzlement of rights to immovable objects, which can be applied if the owner deliberately controls the land belonging to the owner without rights, with a maximum prison sentence of 7 years; article 406 of the Criminal Code regarding the destruction of goods, if the owner's Damaging crops or property owned by Pak DI on the land, with a maximum penalty of 2 years and 8 months; and Article 167 of the criminal code about entering someone else's yard without permission, with a maximum penalty of 9 months. This reporting can result in criminal sanctions for Mr. YG and restore land tenure to Mr. DI.

Legal protection for certificate holders is also strengthened by Article 61 of government regulation number 24 of 1997 on Land Registration, which allows certificate holders to defend their rights through document verification by BPN if there are objections from other parties. However, this protection is not absolute, because the party claiming based on the grant can challenge the validity of the certificate through Article 5 of regulation of the Minister of Agrarian Affairs and Spatial Planning/head of BPN number 11 of 2016 concerning the settlement of land cases, by submitting evidence of legal defects, such as land registration without the knowledge of the party who has the right before. In the case of Tulabolo Village, Pak YG claimed the land based on a grant from AB and a 2011 letter of agreement, but

the claim required authentic evidence, such as a deed of Grant in the presence of PPAT or credible witnesses, to be able to match the legal force of the certificate (Fu'adah 2024).

Disputes resulting from mismatches in Land Administration data often exacerbate land ownership conflicts involving Grant claims. In some cases, the BPN does not have complete or accurate data on the history of land transfer, allowing the issuance of multiple certificates or certificates that contradict previous Grant claims. For example, land that has been granted by custom but is not registered can be transferred back by another party through a formal procedure, resulting in a legally valid title certificate. When a customary grantee files a claim, the dispute arises because of a discrepancy between administrative records and facts on the ground. The weaknesses of the land administration system, such as the lack of digitization or data verification, are the main factors that trigger this type of dispute (Polontalo et al. 2023).

The application of the principle of publicity (*openbaarheid*) in the process of issuing land certificates becomes very important in the context of preventive legal protection. With this principle, the entire land registration process is carried out openly and accessible to the public, allowing interested parties to monitor the process and file objections if data discrepancies are found. The principle of publicity ensures that everyone can find out ownership information on a land plot, including who owns it, how much it is, and whether there is a burden on the land. The non-strict administrative procedures in BPN open up opportunities for maladministration, which can lead to administrative, civil, and criminal violations of the law (Rahman et al. 2024).

Based on the foregoing, the legal protection of the holder of a certificate of property rights in a dispute with a grant claim requires a comprehensive and integrated approach. Preventive and repressive legal protections must be applied simultaneously to safeguard the rights of certificate holders while ensuring justice for grant claimants in a proportionate manner. Strengthening evidence and reconciliation between formal and customary law is key in resolving this type of dispute. In addition, it is necessary to increase the capacity of village officials in mediation and*legal awareness* of the community, optimizing the role of BPN in

Document Verification, and providing free legal assistance to expand access to justice in land disputes. Thus, legal protection for holders of certificates of property rights can be realized effectively and fairly, in accordance with the purpose of land registration as mandated in Article 19 of the UUPA.

Legal protection of Certificate holders of property rights in disputes with Grant claims

Legal protection for holders of certificates of property rights is a fundamental aspect in the Indonesian land system that rests on the principle of legal certainty as mandated in Law No. 5 of 1960 on basic agrarian principles (UUPA) and Government Regulation No. 24 of 1997 on Land Registration. Article 19 of the UUPA expressly requires the government to organize land registration throughout the territory of the Republic of Indonesia in order to provide legal certainty to land rights holders, which is then realized through the issuance of land certificates as strong evidence. The certificate of property rights, as stipulated in Article 32 paragraph (1) of Government Regulation Number 24 of 1997, is a letter of proof of rights that is valid as a strong proof tool regarding physical data and juridical data contained therein, as long as the physical data and juridical data are in accordance with the data in the measurement letter and book land rights are concerned. Thus, the holder of a certificate of title has a very strong legal position in maintaining his ownership rights to the land, unless it can be proven otherwise that the certificate contains legal defects in the process of its issuance (Setiawan et al. 2025).

In the context of land ownership disputes in Tulabolo Village, holders of title certificates such as Pak DI who have a certificate issued in 2010 formally have strong legal protection based on the Indonesian land law system. However, in practice, this legal protection often faces challenges when dealing with land rights claims based on grant mechanisms, especially grants made in a customary or informal manner without going through the official registration process at the National Land Agency (BPN). In the case of a dispute between Mr. DI and Mr. YG, the grant claim submitted by Mr. YG is based on the land grant from AB and is reinforced by a letter of agreement in 2011 signed by both parties after mediation at the police station. This agreement states that Pak Di promises not to disturb the land claimed by Pak YG, which the land has been managed by Pak YG with evidence of physical control in the

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form of productive crops such as coconut, durian, and mango. This situation reflects the complexity of land disputes in Indonesia involving the conflict between formal laws that base ownership on land titles and customary law or informal practices that recognize ownership based on physical tenure and oral or written agreements that are not officially registered (Tahrir et al. 2025).

According to Article 1666 of the Civil Code, a grant is an agreement by which the benefactor, in his lifetime, freely and irrevocably gives up an object for the purposes of the grantee who accepted the surrender. For a grant on land as an immovable object, the Civil Code requires that the grant be made by notarial deed and officially registered in order for it to have legal force binding on third parties. Article 37 of Government Regulation No. 24 of 1997 also confirms that the transfer of land rights through grants must be registered with the Land Office to obtain formal legal recognition. However, in practice in Indonesian society, especially in areas where there are still strong traditions of customary law such as in Tulabolo village, land grants are often made orally in the presence of community leaders or through surata statement letter under hand without going through a notarial deed and without being registered with the BPN. This kind of Grant is recognized in customary law based on the principle of light and cash, in which the grant is made openly before the community and is accompanied by the physical delivery of the land to the donee. Although these customary grants are recognized in local communities, they do not have the formal legal force equivalent to a certificate of title issued by BPN.

This conflict between formal and customary law in the context of land ownership creates significant legal tension, especially when there is a dispute between the holder of the title certificate and the party claiming the land based on the customary grant. In the case of Tulabolo Village, Pak DI, as the holder of the property rights certificate, insisted that his certificate was valid proof of ownership and rejected the validity suratof the 2011 agreement letter, which he considered a fake document that had no legal force to cancel his ownership rights supported by the certificate. Instead, Pak YG defended his claim by pointing to the 2011 agreement letter which he said was a valid agreement under Article 1320 and Article 1338 of the Civil Code which stated that agreements made legally apply as law to the parties who made them. Pak YG also relies on evidence of physical possession of land that he has managed for a long time, which in customary law and even in the formal legal system can be

recognized as the basis for a claim of ownership based on the principle of adverse possession or continuous possession of land in good faith (Teikuar et al. 2024).

In the face of this type of situation, legal protection for holders of property rights certificates can be divided into two main forms, namely preventive legal protection and repressive legal protection. Preventive legal protections are measures taken to prevent infringement of property rights before further loss or dispute arises. This protection is preventive in nature and can be carried out through various formal and informal legal mechanisms. In the context of Pak DI's case, preventive legal protection can be done by applying to BPN to verify and confirm the validity of the property rights certificate, including verifying the land registration history to ensure that there are no legal defects in the certificate issuance process. Article 32 paragraph (2) of Government Regulation No. 24 of 1997 confirms that the certificate of land rights is a strong proof, and in the case of a plot of land has been issued a certificate legally on behalf of a person or legal entity who obtained the land in good faith and actually controlled it, then the other party who feels that he has the right to the land can no longer demand the implementation of the right if within 5 years from the issuance of the certificate it does not raise objections in writing to the certificate holder and the head of the Land Office in question (Topuh 2025).

In addition, Pak DI can ask the BPN to install official boundary signs (Stakes) on his land to prevent claims or interference from other parties, as stipulated in Article 13 of Government Regulation Number 24 of 1997 concerning the determination of land plot boundaries. Pak DI can also register a special note (caveat) at BPN related to ongoing disputes to prevent the transfer of rights without his knowledge, in accordance with Article 33 of Government Regulation No. 24 of 1997 which regulates that any transfer or encumbrance of land rights must be registered. This recording will prevent the transfer of rights or the issuance of new certificates without going through a clear legal process, thus protecting Pak DI's ownership rights from other parties ' claims. To prevent the escalation of conflict, Pak DI can also take advantage of mediation channels facilitated by the village head, Babinsa (Bintara Pembina Desa), or Bhabinkamtibmas (Bhayangkara Pembina Keamanan dan Orderan Masyarakat), as has been done in 2024. This mediation can be used to assert the status of land ownership based on a certificate of title, agree on the boundaries of

land use that do not harm the other party, and educate the parties concerned about the legal consequences of actions that violate the right of ownership (Topuh 2025).

Repressive legal protection, on the other hand, are those measures that are carried out in the aftermath of a violation of the right of ownership, with the aim of resolving disputes and restoring the disturbed legal state. Repressive legal protection is reactive and focuses on resolving disputes after violations, both through civil channels to restore rights and criminal channels to sanction perpetrators. In the context of Pak DI's case, repressive legal protection can be done by filing a civil lawsuit to the District Court to request a declarator's decision confirming his status as the legal owner of the land, referring to Article 32 paragraph (2) of Government Regulation Number 24 of 1997 which confirms the legal force of the certificate of property rights. Pak DI can also claim damages under Article 1365 of the Civil Code on tort for the actions of Pak YG who claimed the land and carried out the construction of foundations on the land, which caused material losses to Pak DI. Article 1365 of the Civil Code states that any act that violates the law and brings harm to another person, obliges the person who caused the harm through his fault to compensate for the harm. Pak DI can also request the cancellation suratof the 2011 letter of agreement if it is considered invalid, under Article 1320 jo. Article 1335 of the Civil Code, on the grounds that the agreement is contrary to agrarian law or was made under duress or in bad faith (BUDIARTO 2024).

If Mr. YG's actions involve a criminal offense, Mr. DI can report the matter to the police for criminal proceedings. Some of the articles in the relevant criminal code (KUHP) include Article 385 of the Criminal Code regarding the embezzlement of rights to immovable objects, which can be applied if the owner deliberately controls the land belonging to the owner without rights, with a maximum prison sentence of 7 years; article 406 of the Criminal Code regarding the destruction of goods, if the owner's Damaging crops or property owned by Mr. DI on the land, with a maximum prison sentence of 2 years and 8 months; and Article 167 of the criminal code about entering someone else's yard without permission, with a maximum prison sentence of 9 months. Confrontational actions carried out by Pak YG's son with a machete in 2024 also have the potential to violate Article 335 paragraph (1) of the Criminal Code regarding threats of violence, with the threat of imprisonment for up to one year, as well as Article 2 Paragraph (1) of Emergency Law Number 12 of 1951 regarding

possession of sharp weapons without permission, which subject to imprisonment for up to 10 years. This criminal reporting not only sanctions the offender, but can also restore land tenure to Pak DI and prevent similar actions in the future (Damarwulan et al. 2023).

Although legal protection for property rights holders is very strong in the Indonesian legal system, this protection is not absolute and can be sued if there is evidence of legal defects in the certificate issuance process. Article 61 of Government Regulation No. 24 of 1997 on land registration allows certificate holders to defend their rights through document verification by BPN if there are objections from other parties. However, parties who claim based on grants, such as Pak YG, can challenge the validity of the certificate through Article 5 of the regulation of the Minister of Agrarian Affairs and Spatial Planning / head of BPN number 11 of 2016 concerning the settlement of land cases, by submitting evidence of legal defects, such as land registration without the knowledge of the party who has the. In the case of Tulabolo Village, Pak YG claimed the land based on a grant from AB and a 2011 letter of agreement, but the claim required authentic evidence, such as a deed of Grant in the presence of a land deed making officer (PPAT) or credible witnesses, to be able to match the legal force of the certificate. The physical possession of the land by Pak YG, as evidenced by the presence of productive plants, can be used as supporting evidence, but only if it can be proven that the possession was carried out in good faith and continuously for a long period of time, as stipulated in Article 24 of the UUPA on recognition of land rights that have not been registered.

The application of the principle of publicity (openbaarheid) in the process of issuing land certificates becomes very important in the context of preventive legal protection. The principle of publicity means that everyone can find out ownership information on a land plot, including who owns it, how much it is, and whether there is a burden on the land. With this principle, the entire land registration process is carried out openly and accessible to the public, allowing interested parties to monitor the process and file objections if data discrepancies are found. In the case of Tulabolo Village, the application of the publicity principle can help prevent similar disputes from occurring in the future by ensuring that each land registration process is transparent and verifiable by the community. In addition, strict administrative

procedures in BPN must be strengthened to prevent maladministration, which can lead to administrative, civil, and criminal violations of the law (Febrianti 2021).

Based on the foregoing, it can be concluded that the legal protection of the holder of a certificate of property rights in a dispute with a grant claim requires a comprehensive and integrated approach, combining preventive and repressive legal protection. Preventive legal protection includes verification of certificates at BPN, installation of boundary signs, caveat recording, and mediation to prevent disputes or conflict escalation. The protection of repressive laws includes civil lawsuits to confirm ownership rights, claims for compensation based on unlawful acts, invalidation of invalid agreements, and criminal reporting if there is a violation of criminal law (Gunawan and Pandamdari 2019). To ensure the effectiveness of this legal protection, it is necessary to strengthen the proof and reconciliation between formal law and customary law, increase the capacity of village officials in mediation and Community legal awareness, optimize the role of BPN in Document Verification, and provide free legal assistance to expand access to justice in land disputes. Thus, legal protection for holders of property rights certificates can be realized effectively and fairly, in accordance with the purpose of land registration as mandated in Article 19 of the UUPA to provide legal certainty and protection to holders of land rights.

Conclusion

Legal protection for property rights holders is the main pillar in providing legal certainty on land ownership rights in Indonesia, as stipulated in the agrarian Basic Law No. 5 of 1960 and Government Regulation No. 24 of 1997 on Land Registration. The certificate of title is a strong evidence (*sterk bewijs*) and has a binding formal legal force, thus providing effective protection to the owner from unauthorized claims. However, in practice in Tulabolo Village, this protection often experiences challenges when dealing with land claims through grants that are based on oral evidence or indigenous traditions and are not officially registered with the National Land Agency (BPN). This condition creates tension between formal law and customary law that is still inherent in the community, thus demanding the strengthening of the mechanism of proof and reconciliation of the two legal systems. Preventive legal protection through certificate verification, delimitation, and mediation is important to prevent disputes, while repressive protection through litigation and criminal law enforcement

is necessary to enforce certificate holders ' rights in the event of violations. The land registration system and the principle of publicity must be run transparently and accurately to minimize potential disputes and provide fair legal certainty. In addition, increasing the capacity of village officials, the active role of BPN, and the provision of Free Legal Aid are strategic steps in ensuring access to justice for all parties involved in land disputes. Thus, comprehensive and integrated legal protection can make property rights certificates an effective instrument in maintaining legal certainty and fairness over land ownership in Indonesia.

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