

Justice, Legal Certainty, and Governance: Reforming the Settlement of Duplicate Land Certificate Disputes

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ABSTRACT

This study aims to analyze whether the current Indonesian legal framework has guaranteed legal certainty and fairness in the dispute resolution of duplicate land certificates reviewed from the theory of the state of law, as well as to formulate a governance reform model that can strengthen a fair and legally definitive dispute resolution mechanism. This research uses a normative legal method with limited legislative, conceptual, case, and comparative approaches. Primary legal materials are in the form of laws and regulations and court decisions, supported by secondary legal materials from national and international literature and journals.

The results of the study show that normatively the Indonesian legal framework has contained the principles of the rule of law, such as the rule of law, the principle of legality, the protection of property rights, an independent judicial mechanism, and an administrative supervision system. However, in practice, there are still weaknesses in the implementation aspect, including inconsistencies in administrative verification procedures, overlapping judicial authority, weak internal supervision, and not being optimally integrated with the land information system. This condition causes legal certainty and substantive justice to not be fully guaranteed; The governance reform model is integrative and systemic, including standardization of national procedures, integration of digital-based land databases, strengthening audits and supervision, affirmation of judicial competence, protection of parties in good faith, and state compensation schemes for administrative errors. Reform must also be supported by increasing the capacity and integrity of the land apparatus as well as a continuous evaluation mechanism. With this approach, the dispute resolution of duplicate land certificates is expected to be able to provide a guarantee of legal certainty and justice that is more effective within the framework of the modern state of law.

Keywords: Justice, Certainty, Law, Governance, Reform, Dispute Resolution, Certificates, Land, Duplicate.

INTRODUCTION

Background

Justice, legal certainty, and governance are three fundamental pillars in the Indonesian agrarian legal system that are conceptually and practically interrelated. In the context of duplicate land certificate disputes, the three pillars are often in normative tension because formal administrative certainty and substantive justice do not always go hand in hand. Land certificates as strong evidence of rights under the modern land registration system are supposed to provide maximum protection for their holders, but practice shows that the issuance of double certificates poses serious uncertainties. This condition shows that there are structural problems in land governance that have not been fully integrated between norms, procedures, and supervision. Therefore, the reform of dispute resolution of duplicate land certificates cannot only be understood as an administrative technical issue, but as a fundamental issue related to the legitimacy of the national agrarian legal system.¹

Justice in a legal perspective not only means the proportionate distribution of rights, but also includes procedural fairness in the dispute resolution process. Disputes over duplicate land certificates often show that there is an imbalance in access to information, evidence, and economic power of the parties. In such a situation, justice cannot be reduced to the mere application of formal rules, but must consider the social and historical dimensions of land tenure. The theory of justice as fairness emphasizes the importance of a basic structure that ensures the equality of the position of the parties before the law. Thus, dispute settlement reform must ensure that there is an unbiased mechanism that is able to correct structural inequities in land administration.²

Legal certainty in the land registration system is closely related to the principle of publicity and the principle of trust in state administrative data. Certificates as a product of public administration must represent a correct and trustworthy legal state. However, the emergence of double certificates shows that there are flaws in the land data verification and

¹ Boaventura de Sousa Santos, *Toward a New Legal Common Sense* (London: Butterworths, 2002), pp. 89–93.

² John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), pp. 83–90.

validation system. Legal certainty is not only about the existence of rules, but also the consistency of their application and the reliability of the institution that runs them. In this context, the reform not only touches on the regulatory aspect, but also the improvement of information systems and database integration.³

The phenomenon of duplicate land certificates also shows the weak coordination between land administration institutions and judicial institutions. Different court rulings on the same land object show a fragmentation of legal interpretation that has implications for the uncertainty of rights. Within the framework of the state of law, consistency of judgments and respect for the principle of *res judicata* are important elements to maintain the stability of the system. When dispute resolution institutions do not have uniform standards of interpretation, legal legitimacy is eroded. Reform must be directed at the harmonization of administrative and judicial procedures.⁴

Good land governance requires transparency, accountability, and public participation. Duplicate certificate disputes are often triggered by maladministrative practices, lack of internal oversight, and weak audit systems. The principle of *good governance* requires that every administrative decision can be traced and legally accounted for. Without transparent governance, the potential for abuse of authority in the issuance of certificates becomes even greater. Therefore, reform must include strengthening internal and external control mechanisms over land institutions.⁵

In the perspective of national agrarian law, land has a social function inherent in every right to it. Duplicate certificate disputes are not only private issues between individuals, but also have an impact on social order and economic development. Uncertainty over land rights can hinder investment and cause horizontal conflicts in society. Therefore, dispute resolution must consider the broader social dimension, including the protection of vulnerable groups.

³ H.L.A. Hart, *The Concept of Law* (Oxford: Clarendon Press, 1961), pp. 100–110.

⁴ Neil MacCormick, *Legal Reasoning and Legal Theory* (Oxford: Oxford University Press, 1978), pp. 154–160.

⁵ Mark Bovens, "Public Accountability," *The Oxford Handbook of Public Management* (Oxford: Oxford University Press, 2005), pp. 182–188.

Reform must ensure that resolution not only resolves individual conflicts, but also prevents collective conflicts in the future.⁶

The historical aspect of land tenure in Indonesia also affects the complexity of the double certificate dispute. The dualism of the colonial and customary legal systems left its mark on modern land administration. The asynchrony between formal evidence and factual mastery is often a source of conflict. In this context, reform should pay attention to the reconstruction of historical data and the harmonization between national legal systems and local practices. Without a comprehensive historical approach, dispute resolution has the potential to create new injustices.⁷

The development of digital technology in land registration opens up opportunities to minimize the occurrence of duplicate certificates. Geospatial information systems and electronic-based data integration can improve accuracy and transparency. However, digitization without adequate oversight can also pose new risks, including data manipulation and information leakage. Therefore, reforms must integrate the principles of data security and the protection of personal information. Accountable digital governance is an absolute requirement in land modernization.⁸

From the point of view of legal sociology, land certificate disputes reflect the gap between written law and social practice. When the community no longer trusts the land administration system, the legitimacy of the law will be weakened. Public trust is the social capital that determines the effectiveness of law enforcement. Dispute resolution reform must rebuild that trust through a fair and transparent process. Without social legitimacy, the law will lose its binding power.⁹

The principle of property rights protection in international law places the certainty of ownership as part of human rights. A protracted duplicate certificate dispute can be

⁶ Maria S.W. Sumardjono, *Land in the Perspective of Economic, Social and Cultural Rights* (Jakarta: Kompas, 2008), pp. 45–52.

⁷ Sudargo Gautama, *Indonesian Agrarian Law* (Bandung: Alumni, 1993), pp. 112–118.

⁸ Klaus Schwab, *The Fourth Industrial Revolution* (Geneva: World Economic Forum, 2016), pp. 109–115.

⁹ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), pp. 193–200.

considered a violation of the right to secure ownership. In the context of economic globalization, the certainty of land rights is an important factor in assessing a country's investment climate. Therefore, dispute resolution reform has strategic implications in national development.¹⁰

The concept of legal certainty according to the continental legal tradition emphasizes the consistency of norms and the predictability of decisions. In the case of double certificates, the inconsistency of interpretation of the evidence of rights indicates a weak standardization of proof. Reform must formulate clearer and uniform evidentiary guidelines. This is important to prevent disparity in decisions that are detrimental to one of the parties. Legal certainty can only be realized if law enforcement officials have consistent interpretive guidance.¹¹

Alternative dispute resolution mechanisms such as mediation and arbitration can be a solution in duplicate land certificate conflicts. Non-litigation settlements offer a faster and more participatory process. However, its effectiveness depends heavily on the neutrality of the mediator and the willingness of the parties to act in good faith. Reforms must strengthen the regulatory framework and the capacity of land mediators. Thus, dispute resolution can be carried out more efficiently without sacrificing justice.¹²

The comparative aspect of the law shows that several countries have developed a more integrated title registration-based land registration system. The Torrens model, for example, emphasizes state guarantees of the validity of certificates. This approach can be a reference in reforming the Indonesian system. However, adaptation must take into account national social and historical characteristics. Reform must not simply adopt a foreign model without contextualization.¹³

The ethical dimension of public administration is also an important factor in preventing double certificates. The integrity of the land apparatus determines the quality of public services. Without strong professional ethics, even good regulation will not be effective. Reforms should

¹⁰ Thomas W. Merrill and Henry E. Smith, *Property: Principles and Policies* (New York: Foundation Press, 2007), pp. 36–42.

¹¹ Gustav Radbruch, *Legal Philosophy* (Cambridge: Harvard University Press, 1950), pp. 107–112.

¹² Christopher W. Moore, *The Mediation Process* (San Francisco: Jossey-Bass, 2003), pp. 15–22

¹³ Peter Butt, *Land Law* (Sydney: Lawbook Co., 2010), pp. 56–63.

include ethical education and a strict internal oversight system. Thus, land governance can run according to the principle of accountability.¹⁴

Furthermore, the legal economy approach shows that the uncertainty of land rights increases transaction costs. Protracted disputes cause economic losses for both individuals and countries. Dispute resolution reforms must be geared towards systemic efficiency to reduce social costs. Legal certainty in land contributes to sustainable economic growth.¹⁵

Within the framework of national law reform, regulatory updates must be accompanied by evaluation of implementation in the field. Many regulations are progressive but ineffective due to weak oversight. Double certificates often arise as a result of mismatches between norms and practices. Reform must ensure the existence of periodic monitoring and evaluation mechanisms. Without evaluation, the legal reform is only symbolic.¹⁶

Strengthening the role of external supervisory institutions such as the ombudsman can increase the accountability of land administration. Independent oversight allows for quick correction of maladministration. In the case of duplicate certificates, supervisory intervention can prevent the escalation of conflict. Governance reform must open up space for supervisory agency participation. Transparency and public control are important elements in maintaining the integrity of the system.¹⁷

The human rights perspective emphasizes the importance of access to justice in the settlement of land disputes. A convoluted and expensive process can prevent small communities from getting justice. Reforms must ensure equal access to dispute resolution mechanisms. The state has an obligation to provide an inclusive and non-discriminatory system. Thus, substantive justice can be achieved.¹⁸

¹⁴ Denhardt, Robert B., and Janet V. Denhardt, *The New Public Service* (Armonk: M.E. Sharpe, 2003), pp. 65–72

¹⁵ Richard A. Posner, *Economic Analysis of Law* (New York: Aspen Publishers, 2007), pp. 55–60.

¹⁶ Satjipto Rahardjo, *Progressive Law* (Jakarta: Kompas, 2009), pp. 72–79.

¹⁷ Jeremy Pope, *Confronting Corruption* (London: Transparency International, 2000), pp. 98–104

¹⁸ Rhona K.M. Smith, *Textbook on International Human Rights* (Oxford: Oxford University Press, 2012), pp. 214–220.

The political dimension of agrarian law shows that land policy is often influenced by economic interests and power. Double certificate disputes often involve actors with different bargaining positions. Reform must ensure the independence of land institutions from political intervention. Without institutional neutrality, dispute resolution will be biased. Therefore, governance that is free from conflicts of interest is an absolute requirement.¹⁹

The concept of the rule of law places the rule of law as the basis for the administration of government. In duplicate certificate disputes, the rule of law must be upheld indiscriminately. Law enforcement officials are obliged to act based on objective norms. Reform must strengthen the independence and professionalism of the judiciary. Without consistent law enforcement, certainty and justice will be difficult to realize.²⁰

Reform of dispute resolution of duplicate land certificates requires an integrative approach between justice, legal certainty, and governance. These three aspects are inseparable from each other. Regulatory reform, institutional strengthening, system digitalization, and improving the integrity of the apparatus must run simultaneously. Only with a comprehensive approach can the national land system provide optimal rights protection. Thus, the goal of the state of law to realize social justice in land tenure can be achieved sustainably.²¹

Although various studies have discussed the issue of land registration and agrarian conflicts, there is *a significant research gap* related to the normative construction of dispute resolution of duplicate land certificates in an integrative framework between justice, legal certainty, and governance. Most research still focuses on the technical aspects of judicial administration or proof, without examining the structural relationship between institutional design and substantive justice principles. In fact, the problem of double certificates shows systemic failures involving the registration process, data verification, and administrative correction mechanisms. This lack of comprehensive analysis indicates the need for a

¹⁹ Mahfud MD, *Legal Politics in Indonesia* (Jakarta: Rajawali Pers, 2010), pp. 156–162.

²⁰ Brian Z. Tamanaha, *On the Rule of Law* (Cambridge: Cambridge University Press, 2004), pp. 91–98.

²¹ Jan Michiel Otto, *Sharia and National Law in Muslim Countries* (Leiden: Leiden University Press, 2008), pp. 25–31.

multidimensional approach that places dispute resolution reforms within the framework of integrated legal governance.²²

The next gap lies in the lack of research linking duplicate certificate disputes with *the institutional trust* dimension. International literature shows that trust in land institutions has a direct effect on social stability and economic investment. However, studies in Indonesia tend to stop at case descriptions without measuring the long-term implications for institutional legitimacy. The novelty of this research lies in integrating the analysis of institutional legitimacy in dispute resolution reforms, so as not only to resolve individual conflicts, but also to restore public trust in the national land system.²³

In addition, there is a gap in normative studies regarding evidentiary standards in double certificate disputes in the midst of the development of electronic systems. Many studies have addressed the digitization of land certificates, but have not in-depth analyzed how electronic evidence is positioned in overlapping ownership conflicts. Reform of evidentiary law is urgent because the digital registration system presents a new form of data that requires strong juridical legitimacy. Novelty lies in the formulation of evidentiary standards that accommodate the integration of electronic data and the principle of prudence in public administration.²⁴

Previous research has also not comprehensively linked duplicate certificate disputes with *regulatory governance* theory. In fact, land regulation governance includes the process of policy formulation, implementation, and supervision that are interconnected. Duplicate disputes are often the product of weak coordination between regulatory units. The novelty of this research lies in the analysis of regulatory design that places dispute resolution as part of the public policy cycle, not just a corrective stage after a conflict arises.²⁵

²² Klaus Deininger and Gershon Feder, "Land Registration, Governance, and Development: Evidence and Implications for Policy," *The World Bank Research Observer* 24, no. 2 (2009): 233–266, pp. 240–245.

²³ Margaret Levi and Laura Stoker, "Political Trust and Trustworthiness," *Annual Review of Political Science* 3 (2000): 475–507, pp. 482–486.

²⁴ Susan Brenner, "Electronic Evidence and Digital Crime: Forensic Science, Computers and the Internet," *Journal of Law and Technology* 15, no. 1 (2012): 1–25, pp. 10–14.

²⁵ Julia Black, "Decentring Regulation: Understanding the Role of Regulation and Self-Regulation in a 'Post-Regulatory' World," *Current Legal Problems* 54, no. 1 (2001): 103–146, pp. 120–125.

Another gap can be seen in the lack of a comparative approach to the state guarantee mechanism for the validity of certificates. International studies show that the state guarantee-based system provides stronger protection for rightholders in good faith. However, the national literature has not developed an adaptive model that is in accordance with Indonesia's agrarian structure. The novelty of this research lies in the formulation of a limited state guarantee model based on the principles of prudence and fiscal accountability.²⁶

On the other hand, the *aspect of access to justice* in duplicate certificate disputes is still rarely studied empirically. Many small communities face cost and procedural barriers in fighting for their rights. The global literature emphasizes the importance of designing inclusive procedures to ensure equal access. The novelty of this research is the integration of the concept of access to justice in the procedural reform of land dispute resolution, so that the system is not only efficient but also responsive to vulnerable groups.²⁷

Furthermore, the development of the concept of *collaborative governance* has not been widely adopted in resolving land disputes. In fact, duplicate certificate disputes often involve various actors, including local governments, indigenous peoples, and the private sector. A collaborative model can reduce protracted conflict through multi-stakeholder dialogue. The novelty of this research lies in the proposal of a collaborative mechanism based on institutional mediation within the framework of administrative law.²⁸

In the realm of political economy, there have not been many studies that have examined the relationship between the dispute over double certificates and inequality in land distribution. The agrarian literature shows that ownership conflicts often correlate with unequal ownership structures. Dispute resolution reforms must consider the context of

²⁶ Theodore Ruoff, "An Englishman Looks at the Torrens System," *The International and Comparative Law Quarterly* 15, no. 3 (1966): 641–658, pp. 645–650.

²⁷ Mauro Cappelletti and Bryant Garth, "Access to Justice: The Worldwide Movement to Make Rights Effective," *Buffalo Law Review* 27, no. 2 (1978): 181–292, pp. 188–195.

²⁸ Chris Ansell and Alison Gash, "Collaborative Governance in Theory and Practice," *Journal of Public Administration Research and Theory* 18, no. 4 (2008): 543–571, pp. 550–556.

distribution so as not to reinforce existing inequalities. The novelty of this research lies in the integration of agrarian distribution analysis in the design of dispute resolution.²⁹

The development of *e-governance* also presents opportunities as well as challenges in land reform. Studies show that digitalization improves efficiency, but does not automatically eliminate corruption or administrative errors. The research gap lies in the lack of critical evaluation of the integration of electronic systems and accountability mechanisms. The novelty of this research is the formulation of a technology-based supervision model equipped with independent audits to prevent duplication of certificates.³⁰

The national agrarian law literature has not explicitly formulated an integrative framework between justice, legal certainty, and governance as the basis for reform in dispute resolution of duplicate land certificates. The novelty of this research lies in a conceptual synthesis that combines justice theory, legal certainty theory, and regulatory governance theory in one systemic normative design. This approach offers a theoretical and practical contribution in strengthening Indonesia's land system in the digital era and legal globalization.

²⁹ Saturnino M. Borras Jr. and Jennifer C. Franco, "From Threat to Opportunity? Problems with the Idea of a 'Code of Conduct' for Land-Grabbing," *Yale Human Rights and Development Law Journal* 13 (2010): 507–523, pp. 512–516.

³⁰ Heeks, Richard, "Understanding e-Governance for Development," *iGovernment Working Paper Series* 11 (2001): 1–25, pp. 12–18.

Research Questions

1. Does the current Indonesian legal framework ensure legal certainty and justice in resolving duplicate land certificate disputes?
2. What governance reform model can strengthen fair and legally certain dispute settlement mechanisms?

THEORETICAL FRAMEWORK

1. The Theory of the State of Law

The main theory that is the basis for the analysis knife in this study is the Theory of the State of Law. The concept of the state of law is inseparable from its own pillar, namely the understanding of the rule of law. This understanding is a teaching that says that the supreme power lies in the existence of law or there is no other power whatsoever, except law. Many formulations are given to the definition of the State of Law to find the same formula, whether it is due to differences in the principles of the State of law that are adopted or because of the conditions of society and the times when the State of law is formulated.³¹

The rule *of law theory* is the main basis in answering the formulation of the first problem regarding whether the current Indonesian legal framework has guaranteed legal certainty and justice in the settlement of duplicate land certificate disputes. The state of law requires that all government actions, including the issuance of land certificates, must be based on clear, predictable, and consistently enforced laws. In the context of double certificate disputes, this principle tests whether the land administration system has run according to the principle of legality and does not deviate from the applicable norms. If there is a duplication of certificates due to administrative errors or maladministration, it indicates a weakness in the implementation of the principle of the rule of law. Therefore, the analysis of

³¹ Ias Muhlashin, "The State of Law, Democracy and Law Enforcement in Indonesia," *Al-Qadau Journal: Islamic Family Justice and Law* 8, no. 1 (2021): 87–100.

Indonesia's land system must be placed within the framework of the rule of law as the main foundation of the modern legal state.³²

The concept of the state of law also emphasizes the importance of legal certainty as an essential element. In the continental legal tradition, legal certainty means that norms are formulated clearly and do not create interpretive ambiguity. Duplicate land certificate disputes show potential unclarity in the procedure for verifying and validating land data. If the system is not able to guarantee that one plot of land has only one legal right status, then the principle of legal certainty is disturbed. Thus, the theory of the state of law requires an evaluation of the consistency of regulations and the effectiveness of administrative supervision in the national land system.³³

In addition to certainty, the rule of law also requires the protection of individual rights. Land rights as part of property rights must be protected from arbitrary intervention or administrative errors. Duplicate certificate disputes have the potential to harm rightholders in good faith, so the state is obliged to provide effective correction and remedy mechanisms. This principle of protection of rights serves as a benchmark for whether Indonesia's legal framework has guaranteed substantive justice in practice. Without effective protection, the rule of law will lose its normative legitimacy.³⁴

The state of law also contains the principle of *equality before the law*. In the settlement of duplicate land certificate disputes, each party must receive equal treatment regardless of social, economic, or political background. If there is a disparity in treatment in the administrative or judicial process, then this principle is not met. Therefore, an analysis of the dispute resolution system must examine whether access to evidence and legal protection is equally available to all parties. This principle of

³² Joseph Raz, "The Rule of Law and Its Virtue," *Law Quarterly Review* 93 (1977): 195–211, pp. 198–203.

³³ Gustav Radbruch, *Legal Philosophy* (Cambridge: Harvard University Press, 1950), pp. 110–116.

³⁴ A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (London: Macmillan, 1959), pp. 183–189.

equality is an important indicator in assessing the quality of the implementation of the state of law in the land sector.³⁵

The principle of administrative accountability is also an integral part of the rule of law. Every decision to issue a land certificate must be legally and administratively accountable. If there is a double certificate, there must be a transparent audit and correction mechanism. The state of law does not tolerate administrative actions that cannot be traced to a legal basis. Thus, the existence of an internal and external supervision system is an important prerequisite to ensure that land administration runs according to the principle of legality.³⁶

Furthermore, the modern state of law requires an independent judiciary as the last guardian of justice. In duplicate land certificate disputes, the court must be able to give an objective verdict and be free from external intervention. Judicial independence ensures that conflicts of rights can be resolved based on legitimate norms and facts. If there is an inconsistency of the decision or a non-judicial influence in the judicial process, then the principle of the rule of law becomes weak. Therefore, the effectiveness of the role of the judiciary is a crucial factor in answering the formulation of the first problem.³⁷

Another aspect of the rule of law is the principle of information disclosure. Publicity in the land registration system aims to provide accurate information access to the public. Duplicate certificate disputes often occur due to a lack of data transparency or errors in public records. The state of law requires that land information be available and verifiable by interested parties. Thus, transparency is an integral part of assessing whether the legal system has guaranteed certainty and justice.³⁸

³⁵ Brian Z. Tamanaha, *On the Rule of Law* (Cambridge: Cambridge University Press, 2004), pp. 95–101.

³⁶ Mark Bovens, "Analysing and Assessing Accountability," *European Law Journal* 13, no. 4 (2007): 447–468, pp. 452–456.

³⁷ Tom Ginsburg, "Courts and New Democracies: Recent Works in Comparative Constitutional Law," *Law & Social Inquiry* 28, no. 3 (2003): 705–713, pp. 709–712

³⁸ Jeremy Waldron, "The Concept and the Rule of Law," *Georgia Law Review* 43, no. 1 (2008): 1–61, pp. 17–23

In the context of administrative law, the state of law also requires a mechanism for objections and appeals against the decisions of public officials. Rights holders aggrieved by double certificates must have access to effective administrative procedures before or other than through litigation. If the objection mechanism does not run optimally, then legal protection becomes incomplete. Therefore, the evaluation of the administrative dispute resolution system is an important part of the analysis of the state of law.³⁹

The rule of law is not only formal, but it must also guarantee substantive justice. In the context of duplicate land certificates, substantive justice demands a settlement that takes into account the facts of real tenure and the good faith of the parties. If the law only focuses on the formality of documents without paying attention to social reality, then justice can be reduced. Therefore, the theory of a substantive state of law is the basis for evaluating the effectiveness of the land dispute settlement system in Indonesia.⁴⁰

The theory of the state of law provides a normative framework to assess whether the Indonesian legal system has met the principles of the rule of law, certainty, equality, accountability, and protection of rights in the settlement of duplicate land certificate disputes. If one of these elements has not been fulfilled consistently, then it can be concluded that the guarantee of legal certainty and justice still needs to be strengthened. Thus, the theory of the state of law becomes the main analytical tool in evaluating the normative structure and practical implementation of the national land system in answering the formulation of the first problem.

2. Legal Certainty Theory

The theory of legal certainty in the context of the formulation of the second problem—namely a model of governance reform that can strengthen a fair and legally

³⁹ Peter Cane, *Administrative Law* (Oxford: Oxford University Press, 2011), pp. 274–281

⁴⁰ Lon L. Fuller, "Positivism and Fidelity to Law," *Harvard Law Review* 71, no. 4 (1958): 630–672, pp. 645–652

definite dispute resolution mechanism—becomes the normative basis for designing predictable, consistent, and trustworthy institutional designs. Legal certainty is not only interpreted as the existence of written norms, but also as a guarantee that these norms are applied consistently by competent institutions. In duplicate land certificate disputes, governance reform must ensure that every administrative and judicial procedure has clear operational standards and does not open up room for contradictory interpretation. Thus, the theory of legal certainty provides direction that reform is not enough for regulatory changes, but must also touch on the consistency of implementation and harmonization of authority between institutions.⁴¹

In a normative perspective, legal certainty requires *clarity of norms* and stability of the legal system. The governance reform model for resolving duplicate certificate disputes should formulate standard procedures regarding data verification, certificate cancellation, and compensation mechanisms in the event of administrative errors. Without detailed procedural standards, the potential for disparities in verdicts will remain open. Therefore, governance reform needs to build a systematic and well-documented regulatory system so that every administrative action can be objectively tested.⁴²

Legal certainty is also closely related to the principle of protection of legitimate expectation. In the context of a land certificate, the rightholder in good faith must obtain protection from disproportionate changes or cancellations. Governance reform must integrate these principles into dispute resolution design so that there is no recurring uncertainty due to inconsistent administrative decisions. The principle of legitimate trust protection strengthens the legitimacy of the legal system and prevents instability of land rights.⁴³

In the study of Indonesian administrative law, legal certainty is often associated with the principle of prudence and the principle of not abusing authority. Dispute

⁴¹ Jan M. Smits, "The Complexity of Transnational Law: Coherence and Fragmentation of Private Law," *Maastricht Journal of European and Comparative Law* 14, no. 4 (2007): 391–404, pp. 397–401.

⁴² Anton Fagan, "In Defence of Legal Certainty," *Oxford Journal of Legal Studies* 19, no. 3 (1999): 363–381, pp. 368–372.

⁴³ Paul Craig, "Legitimate Expectations and Fairness in Administrative Law," *Cambridge Law Journal* 48, no. 2 (1989): 289–316, pp. 295–300.

resolution governance reforms must ensure that any issuance or cancellation of a certificate is carried out through a rigorous and documented verification process. When administrative procedures are not carried out carefully, then duplicate disputes will continue to recur. Therefore, legal certainty is the basis for strengthening the professional standards of land apparatus in every stage of decision-making.⁴⁴

Furthermore, the theory of legal certainty requires predictability in court decisions. The governance reform model should encourage the preparation of uniform jurisprudence guidelines or standards of proof in the case of double certificates. When the verdict differs on similar objects, then the public loses trust in the judicial system. Legal certainty here means that the outcome of dispute resolution can be estimated based on tested norms and facts. Harmonization of legal interpretation is an integral part of governance reform.⁴⁵

In a global context, legal certainty in land registration systems is often associated with the integrity of databases and electronic registration systems. Governance reform must ensure that the digital system has a transparent audit mechanism, data security, and track record of change. Without data security guarantees, digitization can actually increase the risk of duplicate certificates. Thus, legal certainty must be extended to the realm of information technology as part of modern governance.⁴⁶

Legal certainty also requires synchronization between central norms and implementation in the regions. In Indonesian land practice, variations in interpretation between regional offices can lead to inequality of legal treatment. The governance reform model must establish an effective vertical coordination system so that procedural standards apply nationally. This synchronization is important to avoid policy fragmentation that leads to duplicate certificate disputes.⁴⁷

⁴⁴ Ridwan HR, "State Administration Law and General Principles of Good Government," *Journal of Law IUS QUIA IUSTUM* 14, no. 3 (2007): 321–334, pp. 327–331.

⁴⁵ Neil Duxbury, "Precedent and Legal Certainty," *The Modern Law Review* 58, no. 4 (1995): 454–472, pp. 460–465.

⁴⁶ Christopher May, "The Information Society and the Rule of Law," *Information, Communication & Society* 4, no. 2 (2001): 250–268, pp. 259–263.

⁴⁷ Ni'matul Huda, "Decentralization and Legal Certainty in a Unitary State," *Constitution Journal* 9, no. 2 (2012): 241–260, pp. 248–252.

Another dimension of legal certainty is the effectiveness of corrective mechanisms. Governance reforms should provide prompt and transparent procedures for cancellation or administrative correction without compromising the rights of well-meaning parties. The slow correction mechanism actually prolongs the uncertainty. Therefore, the governance design must contain a deadline for settlement and minimum service standards in handling disputes.⁴⁸

Furthermore, legal certainty in the context of governance reform is related to the accountability of public decisions. Any decision to cancel or certify must be traceable on its legal basis and held accountable openly. The transparency of this process strengthens predictability and reduces the potential for abuse of authority. Thus, legal certainty is not only normative, but also institutional through a clear accountability system.⁴⁹

The theory of legal certainty asserts that governance reform for dispute resolution of duplicate land certificates must establish a consistent, transparent, and integrated system between regulation, implementation, and supervision. Legal certainty is the foundation for creating a dispute resolution mechanism that is not only procedurally fair, but also stable in the long term. By making legal certainty the main conceptual framework, governance reform models can be designed systemically to prevent recurrence of disputes and strengthen the legitimacy of the national land system.

RESEARCH METHODOLOGY

This study uses a normative legal approach or *doctrinal legal research* which aims to analyze the consistency, coherence, and adequacy of the Indonesian legal framework in ensuring legal certainty and justice in the settlement of duplicate land certificate disputes. This approach was chosen because the object of the research focuses on positive legal norms,

⁴⁸ Mark Tushnet, "Administrative Law in the Modern State," *Duke Law Journal* 62, no. 4 (2013): 799–846, pp. 812–818

⁴⁹ Carol Harlow, "Accountability in the European Union," *Oxford Journal of Legal Studies* 26, no. 3 (2006): 447–468, pp. 452–456.

legal principles, and institutional design in the national land system. Analysis is carried out on laws and regulations, court decisions, and relevant legal doctrines to assess whether the applicable system meets the theoretical standards of legal certainty and justice. Thus, this study does not only describe practice, but conducts a critical evaluation of the existing normative structure.⁵⁰

The research specification is prescriptive-analytical, which not only describes the prevailing legal conditions (*das sollen*), but also provides conceptual recommendations regarding a more effective dispute resolution governance reform model. This prescriptive nature is important to answer the formulation of the second problem that demands the formulation of a reform model. Prescriptive analysis is carried out by examining existing norms against the theoretical parameters of legal certainty and regulatory governance, resulting in a systemic and applicable model construction.⁵¹

The approaches used include the statute *approach*, the *conceptual approach*, and the *case approach*. The legislative approach is used to examine land regulations, state administrative laws, and evidentiary provisions in land rights disputes. A conceptual approach is used to analyze the theories of legal certainty, justice, and governance as an analytical framework for reform. Meanwhile, the case approach is carried out through the review of court decisions related to duplicate land certificate disputes to identify patterns of inconsistencies or legal vacancies.⁵²

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include the Basic Agrarian Law, implementing regulations on land registration, and court decisions related to duplicate certificate disputes. Secondary legal materials include textbooks, national and international journal articles, as well as previous research results relevant to the theory of legal certainty and governance. The tertiary legal materials are in the form of legal dictionaries and encyclopedias to clarify conceptual

⁵⁰ Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana, 2016), pp. 35–41.

⁵¹ Johnny Ibrahim, *Theory and Methodology of Normative Legal Research* (Malang: Bayumedia, 2006), pp. 295–301.

⁵² Terry Hutchinson, *Researching and Writing in Law* (Sydney: Lawbook Co., 2010), pp. 8–15.

terminology. This classification is important to ensure the depth and validity of normative analysis.⁵³

The technique of collecting legal materials is carried out through systematic and structured *library research*. Source tracing was carried out through national and international journal databases, court decision repositories, and official government documents. Each legal material collected is verified for its relevance to the research focus, especially related to the dimension of legal certainty and dispute resolution governance design. This method ensures that the analysis is based on authoritative and up-to-date sources.⁵⁴

The analysis of legal materials is carried out qualitatively by systematic and teleological interpretation methods. Systematic interpretation is used to see the relationship between norms in the land law system and state administrative law. Meanwhile, teleological interpretation is used to understand the purpose of norm formation in ensuring certainty and justice. Through this method, research can identify regulatory inconsistencies and formulate a more normatively coherent reform direction.⁵⁵

In addition, this study uses a limited *comparative legal analysis* to enrich the governance reform model. Land registration systems in several countries are compared to see how the principle of legal certainty is applied in dispute resolution mechanisms. This comparison does not aim to adopt directly, but to identify best *practices* that can be adapted to the Indonesian context.⁵⁶

RESEARCH RESULTS

Indonesia's current legal framework guarantees legal certainty and fairness in resolving duplicate land certificate disputes

⁵³ Soerjono Soekanto and Sri Mamudji, *Normative Legal Research* (Jakarta: Rajawali Press, 2001), pp. 13–15.

⁵⁴ Robert Cryer et al., *Research Methodologies in EU and International Law* (Oxford: Hart Publishing, 2011), pp. 37–43.

⁵⁵ Aharon Barak, *Purposive Interpretation in Law* (Princeton: Princeton University Press, 2005), pp. 87–94

⁵⁶ Mathias Siems, *Comparative Law* (Cambridge: Cambridge University Press, 2014), pp. 17–23.

The Indonesian legal framework in resolving duplicate land certificate disputes must be analyzed in the perspective of the theory of the state of law (*rechtstaat*). The rule of law demands the rule of law, protection of human rights, restrictions on power, and the existence of an independent judiciary. In the context of land, this principle requires the existence of a land registration system that ensures the certainty of rights and a correction mechanism in the event of an administrative error. Duplicate land certificate disputes are an important indicator to test whether land administration norms and practices have run according to the principles of the state of law. If there are procedural inconsistencies, maladministration, or inconsistency in decisions, then the principles of legality and protection of rights have not been fully fulfilled. Thus, the analysis of the applicable system must be directed at the consistency of norms and the effectiveness of their implementation.⁵⁷

The principle of the rule of law in the rule of law demands that any administrative action, including the issuance of land certificates, must be based on lawful authority and clear procedures. The Basic Agrarian Law and land registration regulations have regulated the principle of publicity and the principle of speciality as a guarantee of certainty of rights. However, the emergence of duplicate certificates shows that there are problems in the application of this principle. From the perspective of the state of law, repeated administrative errors can reflect weak internal oversight and a lack of strict operational standards. Therefore, the test of the rule of law does not only stop at the text of the regulation, but also at the consistency of land bureaucratic practices.⁵⁸

The principle of legality as the main element of the state of law requires that every administrative decision has a clear legal basis. In duplicate certificate disputes, questions often arise regarding the validity of measurement procedures, data verification, and recording in the land book. If the procedure is not carried out according to the provisions, then the legitimacy of the certificate becomes questionable. The state of law requires strict adherence

⁵⁷ Jimly Asshiddiqie, "The Indonesian Legal State: Paradigm and Dynamics," *Journal of Law IUS QUIA IUSTUM* 14, no. 1 (2007): 1–14, pp. 4–7.

⁵⁸ Ni'matul Huda, "The State of Law, Democracy, and Judicial Review," *Constitutional Journal* 5, no. 1 (2008): 1–17, pp. 6–10.

to procedures as a form of protection for citizens' rights. Thus, legal certainty in land is highly dependent on consistent administrative discipline.⁵⁹

In addition to legality, the state of law also emphasizes the protection of property rights as part of citizens' constitutional rights. Land certificates are proof of rights that have high economic and social value. When duplication occurs, rightholders in good faith have the potential to suffer material and immaterial losses. Within the framework of the state of law, the state has an obligation to provide an effective and non-discriminatory dispute resolution mechanism. Property rights protection is the main parameter in assessing whether the legal system has run fairly.⁶⁰

The principle of an independent and impartial judiciary is also an integral part of the rule of law. In the practice of duplicate certificate disputes, settlement through the state administrative court and the general court must ensure the objectivity and consistency of the decision. If there is a disparity in decisions on similar objects, then legal certainty is disturbed. The state of law requires consistency of interpretation and respect for the principle of *res judicata*. Thus, the quality of the judiciary is an important indicator in assessing the effectiveness of the existing legal framework.⁶¹

The principle of legal certainty in the state of law is also related to the predictability of administrative policies. In the land registration system, every measurement and recording procedure must be carried out in a transparent and documented manner. When procedures cannot be clearly traced, the potential for duplicate disputes is even greater. The state of law demands operational standards that can be tested and supervised. Therefore, governance reform must strengthen the internal documentation and audit system.⁶²

Another dimension of the rule of law is the principle of accountability. Land officials as public administration officials are obliged to account for every decision taken. Duplicate certificate disputes often indicate weak accountability and oversight mechanisms. From the

⁵⁹ Ridwan HR, "The Principle of Legality in State Administrative Law," *Journal of Law and Justice* 3, no. 2 (2014): 201–214, pp. 205–209

⁶⁰ Maria S.W. Sumardjono, "Legal Certainty in Land Registration and Its Benefits for the Business World," *Journal of Business Law* 29, no. 1 (2010): 7–15, pp. 9–12

⁶¹ Sulistyowati Irianto, "Legal Pluralism and Its Implications for the Judiciary," *Journal of Law & Development* 39, no. 3 (2009): 349–362, pp. 354–358

⁶² Herlambang P. Wiratraman, "Legal Certainty and Land Rights," *RechtsVinding Journal* 2, no. 1 (2013): 45–58, pp. 50–53

perspective of the state of law, any abuse of authority must be testable through administrative and judicial control mechanisms. Without accountability, the rule of law becomes a mere formality.⁶³

The state of law also contains the principle of substantive justice. In resolving duplicate certificate disputes, judges not only assess formal legality, but also consider good faith and history of land tenure. This approach shows that the Indonesian legal system seeks to integrate formal and material aspects of judgment. However, the consistency of the application of this principle still needs to be strengthened so as not to create new uncertainties.⁶⁴

In the perspective of modern state of law theory, the protection of land rights is not only seen from the existence of regulations, but also from the effectiveness of the remedial system in the event of violations or administrative errors. Duplicate land certificate disputes test whether the Indonesian legal system provides a prompt, transparent, and fair remedy mechanism. The state of law requires *effective remedies* for citizens who are harmed by administrative actions. If the procedure for canceling certificates or settlement through the courts takes a long time and is expensive, then the principle of the rule of law has not been optimally realized. Thus, the effectiveness of remedial mechanisms is an important indicator in assessing the guarantee of legal certainty and justice.⁶⁵

The rule of law also requires a clear division of authority between institutions. In duplicate certificate disputes, there is often a wedge of authority between the state administrative court and the general court. Unclear boundaries of absolute competence can prolong the dispute resolution process and create legal uncertainty. Therefore, the analysis of the legal framework must assess whether the judicial competency system has been formulated in a firm and consistent manner. Certainty of authority is part of the guarantee of legal certainty in the state of law.⁶⁶

⁶³ Zainal Arifin Mochtar, "Accountability of Power in the State of Law," *Journal of the Constitution* 9, no. 3 (2012): 453–470, pp. 460–465

⁶⁴ Satjipto Rahardjo, "A State of Law That Makes Its People Happy," *Journal of Progressive Law* 1, no. 1 (2005): 1–12, pp. 6–9

⁶⁵ Philipus M. Hadjon, "Legal Protection for the Indonesian People," *Journal of Law & Development* 20, no. 1 (1990): 1–10, pp. 4–7

⁶⁶ Enny Nurbaningsih, "The Absolute Competence of the State Administrative Court in Land Disputes," *Journal of the Constitution* 11, no. 2 (2014): 281–300, pp. 289–293

The aspect of administrative transparency is an integral part of the principle of the rule of law. In the land registration system, public access to land book information and registration maps is an important instrument to prevent duplication. If the information is not open or difficult to access, then the potential for disputes increases. The state of law requires information disclosure as a form of protection for people's rights. Thus, administrative transparency is a prerequisite for the realization of legal certainty in resolving land disputes.⁶⁷

In addition to transparency, the principle of proportionality is also an important element in the state of law. In the case of duplicate certificates, the cancellation of the certificate must consider the balance between protection of the rightholder in good faith and correction of administrative errors. If the annulment is carried out without considering the impact on the innocent party, then substantive justice is not achieved. The rule of law demands a balance between legal certainty and the protection of individual rights. The principle of proportionality is a measuring tool to assess whether the legal framework has accommodated these dimensions.⁶⁸

Furthermore, the state of law also demands procedural certainty at every stage of dispute resolution. Convolved and non-standard procedures can open up space for maladministration practices. In the context of land, data verification and validation procedures should have uniform national standards. When procedures differ between regions, the potential for injustice increases. Therefore, harmonization of administrative procedures is an important part of ensuring legal certainty.⁶⁹

The theory of the state of law also emphasizes the importance of protecting citizens from *arbitrary power*. In the practice of duplicate certificate disputes, the potential for abuse of authority in the certificate issuance process must be closely monitored. The state of law requires internal and external control mechanisms to prevent such arbitrary actions. Without effective supervision, even good legal norms will not guarantee justice.⁷⁰

⁶⁷ Siti Sundari Rangkuti, "Public Information Disclosure and Land Governance," *IUS QUIA IUSTUM Legal Journal* 18, no. 4 (2011): 527–543, pp. 534–538

⁶⁸ Yance Arizona, "The Principle of Proportionality in State Administrative Law," *RechtsVinding Journal* 4, no. 2 (2015): 195–210, pp. 201–205

⁶⁹ Herlina Ratna Sumbawa Ningrum, "Standardization of Land Administration Procedures and Legal Certainty," *Journal of Law and Economic Development* 6, no. 1 (2018): 45–58, pp. 50–54

⁷⁰ Bivitri Susanti, "Administrative Supervision and Prevention of Abuse of Authority," *Journal of the Constitution* 10, no. 3 (2013): 421–438, pp. 430–434

In the global context, the principle of the rule of law is also associated with the stability of property rights as part of economic development. Certainty of land rights is a prerequisite for investment and economic growth. Although the international literature emphasizes the importance of a robust registration system, implementation at the national level still determines its effectiveness. Therefore, Indonesia's legal framework needs to be assessed not only from the normative aspect, but also from its impact on social and economic stability.⁷¹

Furthermore, the state of law demands consistency between constitutional norms and sectoral regulations. Article 33 of the 1945 Constitution affirms state control over land and water for the prosperity of the people. This principle should be reflected in a fair and definite land registration system. If duplicate certificate disputes drag on without a clear solution, then the constitutional goal is not achieved. Therefore, the alignment between the constitution and technical regulations is an important part of the analysis of the state of law.⁷²

The rule of law requires sustained reforms to correct systemic weaknesses. Duplicate certificate disputes cannot be viewed as a purely individual case, but as a structural phenomenon that requires a thorough overhaul. Indonesia's legal framework has basically provided norms and settlement mechanisms, but the effectiveness of its implementation still needs to be strengthened. Thus, ensuring legal certainty and justice from the perspective of the state of law still requires strengthening consistent and integrated governance.⁷³

The next dimension in the theory of the state of law is the guarantee of the effectiveness of law enforcement. Indonesia's legal framework has basically provided a mechanism for the cancellation of certificates through administrative procedures and court decisions. However, the effectiveness of these mechanisms often faces implementation obstacles, such as slow decision execution processes or non-compliance of the apparatus with court decisions. From the perspective of the state of law, the existence of norms without effective implementation will weaken the principle of the rule of law. Therefore, the guarantee

⁷¹ Klaus Deininger and Gershon Feder, "Land Registration and Governance," *The World Bank Research Observer* 24, no. 2 (2009): 233–266, pp. 248–252

⁷² Hamdan Zoelva, "State Ownership of Land in a Constitutional Perspective," *Journal of the Constitution* 8, no. 4 (2011): 567–584, pp. 573–577

⁷³ M. Laica Marzuki, "The State of Law and Legal Reform in Indonesia," *Journal of Law & Development* 40, no. 2 (2010): 123–140, pp. 130–134

of legal certainty and fairness in duplicate land certificate disputes is highly dependent on the consistency of professional and independent law enforcement.⁷⁴

The state of law also demands an integration between administrative law and civil law in the protection of land rights. Duplicate certificate disputes often involve both civil and administrative dimensions simultaneously, thus demanding the harmonization of interpretations between legal regimes. When disharmony occurs, the parties will face uncertainty and a protracted litigation process. Therefore, the analysis of the Indonesian legal framework must consider systemic consistency between branches of law so as not to cause conflicts of norms. This harmonization is a prerequisite for the realization of complete legal certainty.⁷⁵

In addition to harmonizing norms, the state of law also prioritizes the principle of protection of parties in good *faith*. In the case of dual certificates, the question of who should be protected often arises when both parties have a formal legal basis. The theory of the state of law requires that protection be given to parties who obtain rights legally and in good faith, and are not aware of any previous administrative defects. The application of this principle is an indicator of substantive justice in dispute resolution. However, the consistency of its application in practice still requires strengthening judicial guidelines.⁷⁶

The next aspect is the principle of the effectiveness of supervision as part of the rule of law. Internal supervision by relevant ministries and external supervision by independent institutions are instruments to prevent the occurrence of duplicate certificates. Without a strong supervisory system, it will be difficult to enforce legal norms consistently. The state of law not only talks about the formation of regulations, but also ensures that there is a correction mechanism when irregularities occur. Therefore, strengthening the supervision system is an integral part of ensuring legal certainty.⁷⁷

⁷⁴ Bagir Manan, "Law Enforcement in the State of Law," *IUS QUIA IUSTUM 12 Law Journal*, no. 3 (2005): 345–356, pp. 350–353

⁷⁵ Agus Yudha Hernoko, "Synchronization of Civil Law and Administrative Law in Land Disputes," *Journal of Law & Development* 42, no. 1 (2012): 89–104, pp. 95–99

⁷⁶ Sulaiman, "Legal Protection for Holders of Land Certificates in Good Faith," *RechtsVinding Journal* 6, no. 2 (2017): 223–238, pp. 229–233

⁷⁷ Zainuddin Ali, "Land Administration Supervision and Its Implications for Legal Certainty," *Journal of Law and Justice* 5, no. 1 (2016): 67–82, pp. 72–76

In recent developments, the digitization of the land system through electronic certificates is an effort to strengthen legal certainty. The modern state of law recognizes the importance of technological innovation as a means of increasing data transparency and accuracy. However, the implementation of electronic systems must also be accompanied by data protection and periodic audits to prevent systemic errors. If digitalization is not accompanied by accountable governance, then the potential for disputes will remain in a new form. Thus, the integration of technology must be placed within the framework of the principle of the state of law.⁷⁸

The rule of law also requires public participation in public policy supervision. In the land system, participation can be realized through open access to information and administrative objection mechanisms. If the community is given the space to test and correct land data before the certificate is issued, the potential for duplication can be minimized. This participatory principle strengthens the legitimacy of the legal system and increases public trust. Thus, the guarantee of legal certainty is not only top-down, but also involves social control.⁷⁹

Furthermore, the rule of law requires that any conflict must be resolved through an effective, prompt, and just mechanism. Alternative dispute resolution such as administrative mediation is an important instrument to reduce the burden of litigation. In the perspective of the theory of the state of law, non-litigation settlements must still be subject to the principles of legality and accountability. If well designed, this mechanism can accelerate the restoration of certainty of rights without sacrificing justice. Therefore, the integration of mediation in the land system is part of strengthening the legal framework.⁸⁰

In the end, judging from the theory of the state of law, Indonesia's legal framework normatively has contained the principles of legality, protection of property rights, independent judiciary, and supervisory mechanisms. However, the effectiveness of implementation and consistency of implementation are still challenges in ensuring legal

⁷⁸ Titon Slamet Kurnia, "Land Digitalization and the Challenge of Legal Certainty," *Journal of the Constitution* 18, no. 3 (2021): 567–585, pp. 573–578

⁷⁹ Nur Basuki Minarno, "Public Participation in Land Governance," *IUS QUIA IUSTUM 22 Legal Journal*, no. 4 (2015): 611–628, pp. 617–621.

⁸⁰ Yahya Harahap, "Mediation as an Alternative to Land Dispute Resolution," *Journal of Law & Development* 44, no. 2 (2014): 201–216, pp. 208–212

certainty and fairness in the settlement of duplicate land certificate disputes. The state of law is not only a normative concept, but an institutional practice that requires integrity, professionalism, and transparent governance. Therefore, strengthening institutional coordination, standardizing procedures, and increasing supervision are prerequisites for ensuring legal certainty and justice to be truly realized in national land practices.

A model of governance reform that can strengthen a fair and legally definitive dispute resolution mechanism

The governance reform model for dispute resolution of duplicate land certificates must start from the restructuring of institutional design based on the principles of legal certainty and administrative justice. Reform is not enough to simply revise norms, but must build an integrated coordination system between land administration institutions, courts, and supervisory institutions. Fragmented governance is often at the root of slow dispute resolution and the emergence of inconsistent rulings. Therefore, the reform model must place institutional integration as the main foundation for creating responsive and predictable mechanisms. This approach is in line with the theory of *regulatory governance* which emphasizes the importance of system coherence in generating legal certainty.⁸¹

Governance reform must also prioritize the standardization of national procedures in the verification and validation of land data. Differences in procedures between regions have the potential to cause inconsistencies that lead to duplicate certificate disputes. The reform model needs to establish a standard protocol based on information technology that can be accessed and monitored centrally. This standardization strengthens the principle of legality and prevents different administrative interpretations. Thus, legal certainty can be realized through uniformity of bureaucratic practices.⁸²

Strengthening the audit system and internal supervision is an important component of the reform model. Duplicate certificate disputes often occur due to weak control over the certificate issuance process. Governance reforms should establish periodic and transparent

⁸¹ Julia Black, "Regulatory Conversations," *Journal of Law and Society* 29, no. 1 (2002): 163–196, pp. 170–175.

⁸² Ni'matul Huda, "Decentralization and Legal Certainty," *Journal of the Constitution* 9, no. 2 (2012): 241–260, pp. 250–254

audit mechanisms to ensure each stage of the procedure is well documented. An effective supervision system will reduce the chances of maladministration and increase the accountability of the apparatus. Thus, legal certainty is guaranteed not only by norms, but also by a control system that runs consistently.⁸³

The reform model also needs to integrate a structured dispute resolution mechanism based on administrative mediation. Mediation allows for a faster and more participatory settlement without compromising legal legitimacy. However, mediation must be equipped with standard guidelines and supervision so as not to create new uncertainties. Governance reform must ensure that the outcome of mediation has clear and documented legal force. Thus, dispute resolution can be more efficient while still guaranteeing substantive justice.⁸⁴

Digitalization of the land system must also be an integral part of governance reform. Electronic systems allow for the integration of spatial and juridical data so that the potential for duplication can be minimized. However, digitalization must be accompanied by data security protection and transparency of information access. Governance reform needs to build a *traceability system* so that any changes in data can be traced. With this approach, legal certainty is strengthened through the integrity of an accountable information system.⁸⁵

In addition, governance reform must clarify the limits of judicial competence in land disputes. The dualism of authority between the state administrative court and the general court often creates procedural uncertainty. The reform model needs to formulate strict absolute competency guidelines so that the parties do not experience repeated litigation processes. Certainty of competence will speed up dispute resolution and reduce the burden on the judiciary. Thus, judicial integration becomes an important element in the design of reform.⁸⁶

The reform model must also adopt the principle of protection of parties in good faith as a normative standard. In duplicate certificate disputes, legal protection for legitimate

⁸³ Zainal Arifin Mochtar, "Strengthening the Supervisory System in the Rule of Law," *Journal of the Constitution* 11, no. 3 (2014): 441–458, pp. 447–451

⁸⁴ Yahya Harahap, "Alternative Dispute Resolution in the Indonesian Judicial System," *Journal of Law & Development* 45, no. 2 (2015): 210–225, pp. 218–222

⁸⁵ Titon Slamet Kurnia, "Electronic Certificates and Land Governance Transformation," *RechtsVinding Journal* 10, no. 2 (2021): 215–230, pp. 221–226

⁸⁶ Enny Nurbaningsih, "Judicial Competence in Land Administration Disputes," *Constitutional Journal* 12, no. 1 (2015): 73–92, pp. 80–84

certificate holders should be prioritized without disregarding the rights of the other party. Governance reform needs to formulate a fair compensation mechanism in the event of administrative errors. Thus, legal certainty and justice can be balanced.⁸⁷

Public participation is also an important element in the governance reform model. Community involvement in the process of data verification and land policy supervision can prevent duplication from the beginning. Reform needs to open up wide access to information so that the public can exercise social control. This participatory principle strengthens the legitimacy of the legal system and increases public trust in dispute resolution mechanisms.⁸⁸

An effective governance reform model must also include strengthening the capacity and professionalism of land apparatus as a strategic priority. Many duplicate land certificate disputes stem from administrative errors that can actually be prevented through improved technical competence and integrity of decision-making officials. Reform is not only structural, but also cultural, namely building public service ethics that are oriented towards legal certainty and justice. Continuous training, professional certification, and accountability-based performance evaluation need to be institutionalized systematically. Thus, the quality of human resources is a determining factor in strengthening a fair and legally definite dispute resolution mechanism.⁸⁹

Governance reform must also integrate a risk *management system* in land administration. This approach emphasizes the identification of potential errors from the early stages of certificate issuance, including the risk of data overlap, measurement errors, and procedural defects. By implementing risk management, land institutions can anticipate and prevent disputes before they develop into legal conflicts. The principle of administrative prudence is an important part of the guarantee of legal certainty in the modern legal state. This model places prevention as a key strategy in land governance.⁹⁰

⁸⁷ Sulaiman, "The Principle of Good Faith in Land Disputes," *Journal of Law and Justice* 6, no. 1 (2017): 101–118, pp. 108–112

⁸⁸ Nur Basuki Minarno, "Transparency and Participation in Land Reform," *Legal Journal of IUS QUIA IUSTUM* 23, no. 3 (2016): 389–405, pp. 396–400

⁸⁹ Denhardt, Robert B., and Janet V. Denhardt, "The New Public Service: Serving Rather than Steering," *Public Administration Review* 60, no. 6 (2000): 549–559, pp. 553–556

⁹⁰ Christopher Hood and Michael Jackson, "Risk Management and Public Sector Governance," *Public Administration* 79, no. 4 (2001): 815–833, pp. 820–824

Furthermore, reform needs to build an integrated land database system based on a *nationally connected single land information system*. This integration allows for the synchronization of spatial and juridical data in real time, minimizing the potential for the issuance of multiple certificates. The fragmented system has become a loophole for administrative inconsistencies. By building a unified platform, every verification process and data change can be monitored transparently. This model strengthens legal certainty through consistency of information and accuracy of records.⁹¹

The reform model should also include a state compensation mechanism as a form of responsibility for administrative errors. From the perspective of distributive justice, certificate holders who are harmed by duplication should not bear the burden of losses alone. The state as an organizer of public administration has an obligation to provide proportionate recovery. A clear compensation scheme will increase public confidence in the land system. Thus, legal certainty means not only normative protection, but also a guarantee of recovery when mistakes occur.⁹²

Another crucial aspect is the establishment of jurisprudence guidelines or *guidelines for* resolving duplicate certificate disputes that are national in nature. This guideline will assist judges and administrative officials in applying the standard of proof and the principles of legal protection consistently. The inconsistency of the verdict has been one of the sources of legal uncertainty. With the existence of national guidelines, the disparity in interpretation can be minimized and the predictability of the results of the decision increases. Governance reform through judicial harmonization will strengthen legal certainty systemically.⁹³

The governance reform model must be adaptive and sustainable through periodic evaluation mechanisms. The modern state of law demands regulatory and institutional reform in accordance with social and technological developments. Performance indicator-based evaluations, dispute data transparency, and public participation will ensure that the system remains responsive to new dynamics. Reform is not a one-off act, but an ongoing process to

⁹¹ Klaus Deininger, "Land Administration Reform: Indicators of Success," *World Development* 40, no. 10 (2012): 1995–2013, pp. 2001–2005

⁹² Maria S.W. Sumardjono, "State Responsibility in Land Registration," *Journal of Business Law* 32, no. 2 (2013): 45–53, pp. 49–52

⁹³ Sulistyowati Irianto, "Jurisprudence and Consistency of Judgments in Land Disputes," *Journal of Law & Development* 43, no. 4 (2013): 567–582, pp. 573–577

maintain legal certainty and justice. With this adaptive approach, the dispute resolution mechanism for duplicate land certificates can be strengthened on an ongoing basis within an accountable and modern governance framework.

CONCLUSION

The results of the study show that:

- 1) Indonesia's legal framework normatively contains the principles of the rule of law that ensure legal certainty and justice in the settlement of duplicate land certificate disputes through the principles of legality, protection of property rights, administrative cancellation mechanisms, and access to justice. However, at the implementation level, there are still weaknesses in administrative verification, institutional coordination, consistency of decisions, and the effectiveness of supervision that cause legal uncertainty to persist. Thus, conceptually the legal system is adequate, but practically it still needs to be strengthened in governance so that the principles of certainty and justice are truly realized in land practices.
- 2) Governance reform models that can strengthen dispute resolution mechanisms must be integrative and systemic, including standardization of national procedures, integration of land digital databases, strengthening audits and supervision, affirming judicial competence, and protection of parties in good faith accompanied by state compensation mechanisms. Reform also needs to develop administrative mediation and national jurisprudence guidelines to ensure consistency of judgments. With this approach, the dispute resolution of duplicate land certificates can run faster, fairer, and provide sustainable legal certainty.

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