

LEGAL PROTECTION FOR HOLDERS OF LAND OWNERSHIP CERTIFICATES IN CASES OF LAND FREEZING BY THE NATIONAL LAND AGENCY

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ABSTRACT

This study aims to analyse the compliance of land freezing procedures with statutory provisions and to examine the legal protection afforded to holders of land title certificates against freezing actions initiated by third parties. This study employs a normative legal methodology using both a statutory approach and a case-based approach. The primary legal sources utilised include the Basic Agrarian Law (UUPA), the Government Regulation on Land Registration, and the Ministerial Regulation of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) concerning land freezing and confiscation. Secondary legal sources were obtained from relevant legal literature. The research findings indicate that the regulations concerning land freezing still contain normative ambiguities, particularly regarding the conditions and limitations on the parties authorised to submit a freezing application. This situation creates an opportunity for unilateral freezing by third parties without a strong legal basis, thereby potentially harming land title certificate holders and hindering the execution of legal acts concerning the land. Furthermore, the available legal protection mechanisms do not yet fully provide adequate safeguards for rights holders. In conclusion, there is a need to strengthen and clarify the legal norms concerning land freezing, particularly regarding the procedures and authority for filing applications, as well as to enhance oversight in their implementation so that legal protection and certainty for land rights holders can be optimally realised.

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INTRODUCTION

Land issues in Indonesia remain a complex matter and frequently give rise to conflicts, whether between individuals, legal entities, or between the public and the state. As an asset of significant economic, social and legal value, land requires legal certainty for its rights holders. Legal certainty regarding land rights within the Indonesian land law system is achieved through a land registration mechanism that produces certificates as strong evidence of title. This is regulated under Law No. 5 of 1960 on the Basic Principles of Agrarian Law and Government Regulation No. 24 of 1997 on Land Registration.

Whilst the land registration system has, in theory, provided a foundation for legal certainty, in practice this certainty can still be undermined by land administration actions, one of which is land blocking. Land blocking is an administrative action taken by the land office to maintain the status quo of a plot of land that is currently in dispute or has the potential to become a dispute. Provisions regarding blocking are set out in Ministerial Regulation ATR/BPN No. 13 of 2017 on Procedures for Blocking and Seizure, which, in principle, allows interested parties to submit a request for blocking. Normatively, this mechanism is intended as a preventive instrument to prevent the transfer of land rights whilst the dispute resolution process is ongoing. However, in practice, the blocking mechanism is frequently used by third parties through unilateral applications without a clear legal basis, thereby potentially creating legal uncertainty (Lubis & Ilham, 2023).

The phenomenon of land freezes imposed unilaterally by third parties has significant legal implications for the status of land title certificate holders. In one case in the city of Surabaya, residents of the Darmo Hill housing estate, who have held freehold title deeds for a long period, have encountered obstacles in carrying out land administration procedures due to a block imposed by the Surabaya City Land Office at the request of PT Pertamina as a third party, based on the legal grounds of Eigendom Verponding (Pratama, 2025). Such blocking results in the obstruction of land administration processes, including the transfer of rights and the creation of encumbrances on the land in question.

This situation demonstrates that, in practice, the land blocking mechanism can impose restrictions on the exercise of civil rights over land that has been certified. This indicates a problem in the implementation of blocking regulations, particularly regarding the extent to which legal protection can be afforded to land rights holders when faced with blocking requests by third parties. Therefore, this phenomenon warrants further examination within the framework of legal protection for holders of land title certificates within Indonesia's land administration system.

This issue cannot be separated from the lack of clarity in the regulations governing land blocking, particularly regarding the conditions, procedures, and limitations on the parties authorised to submit blocking requests. This lack of clarity in the regulations allows for broad interpretation in land administration practice, thereby potentially enabling parties without clear legal standing to file applications for blocking. Consequently, land blocking not only functions as a preventive instrument in dispute resolution but may also impose disproportionate restrictions on the civil rights of land certificate holders. This situation highlights a gap between the normative regulations and their implementation in land administration practice.

A number of previous studies have shown that land blocking still faces challenges in providing legal certainty for land rights holders. Istiana et al. (2022) states that the freezing of land as an administrative measure has not yet been fully effective in guaranteeing legal certainty for rights holders. Abdillah and Saputra (2025); Nst (2021); and Rahman et al. (2025) emphasises that the limitations of the blocking regulations contribute to the emergence of legal uncertainty in practice. Furthermore, Ibrahim (2018) points out that holders of land title certificates may find themselves at a disadvantage as a result of land blocking measures. Consequently, there is a research gap between the legal framework governing land blocking and its implementation in practice, which has implications for the legal protection afforded to land rights holders.

This study holds importance as it advances the enhancement of regulatory frameworks concerning land freezing. Additionally, it serves to promote legal certainty and protective measures for the Indonesian land registration system. The research problem in this study focuses on two main issues. First, whether holders of land ownership certificates are entitled to legal protection against land blocking actions initiated by third parties. Second, whether the

National Land Agency can be held administratively accountable for the implementation of land blocking based on unilateral requests submitted by third parties.

METHODS

This study is a normative legal study that analyses legal norms relating to land freezing and legal protection for holders of land title certificates. The approaches used are the statutory approach and the case-based approach. The statutory approach involves examining relevant regulations, including Law No. 5 of 1960 on the Basic Provisions of Agrarian Law, Government Regulation No. 24 of 1997 on Land Registration, and Ministerial Regulation of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency No. 13 of 2017 on Procedures for Freezing and Seizure. Meanwhile, the case study approach was used to analyse land freezing practices within the community to assess the alignment between legal norms and their implementation. Primary legal materials consist of legislation and court rulings, whilst secondary legal materials include books, academic journals, and other legal literature. The collection of legal materials was carried out through a literature review, followed by qualitative analysis using the method of legal interpretation. The analysis focused on the ambiguity of legal norms, the form of legal protection for certificate holders, and the administrative accountability of the National Land Agency in the implementation of land freezing.

RESULTS AND DISCUSSION

Legal Protection for Holders of Land Ownership Certificates Against Land Freezing by Third Parties Legal Basis for Land Freezing in the Land Registration System

Legal certainty and legal protection for land right holders represent the two goals that the Indonesian land registration system is structured to achieve. This indicates that, in theory, the land registration system in Indonesia does indeed prioritise legal certainty as its primary objective. However, in practice, the achievement of this objective does not always align with the implementation of administrative policies on the ground. Explicit articulation of this objective appears in Law Number 5 of 1960 on Basic Regulations on Agrarian Principles, which serves as the foundational cornerstone of the nation's agrarian law. Further clarification is provided by Government Regulation Number 24 of 1997 concerning Land Registration, which governs the procedures for land registration and defines the evidentiary weight that certificates carry (Setiyabudi, 2020). Land freezing is an administrative action aimed at maintaining the status quo. However, in practice, this mechanism reveals a fundamental tension between administrative efficiency and the protection of legally recognized rights (Sekarsari et al., 2019). However, although its normative aim is to maintain the status quo, in practice the land-freezing mechanism still leaves room for the abuse of power, particularly when initiated by a third party without a solid legal basis. Normatively, freezing is regulated in Minister of ATR/BPN Regulation Number 13 of 2017 concerning Procedures for Freezing and Seizure, which grants authority to interested parties to file freezing requests.

The term "freezing" as employed in the Regulation of the Minister of Agrarian Affairs and Spatial Planning or Head of the National Land Agency Number 13 of 2017 concerning Procedures for Freezing and Seizure refers to an administrative action undertaken either by the Head of the Land Office or by an officially appointed delegate. This measure imposes a temporary status quo upon a land right, thereby restricting legal acts and legal events pertaining to that land. The land book, defined separately under PMNA/ Ka BPN Number 3 of 1997, constitutes a documentary register containing both juridical data and physical data for each registered land object to which a right has already been attached.

A freezing notation application submitted to the local Land Office by either a private individual or a legal entity generally stems from the fact that a land certificate has become the subject of a court claim, proof of which lies in a copy of the lawsuit registered at the court. This application further acts as an early detection tool revealing that the certificate issued by the Land Office is now under judicial challenge. In response, the Land Office, in its capacity as a State Administrative Official, is obligated to implement the principle of carefulness when delivering services pertaining to a certificate that is the object of such a claim (Alluvian et al., 2025; Harahap et al., 2025). This obligation

is especially acute whenever the Head of the Land Office is made a defendant. Freezing may also arise from a legal interest relationship between the party requesting the freeze and the right holder, or from the interest of the right holder themselves. Examples include problematic debt-credit relationships, breach of contract, lost certificates, unjust inheritance distribution, forgery, or other land disputes. A freezing notation based on an individual or legal entity's request is an administrative action that is temporary in nature, because referring to one of the causes for the cancellation of such a freezing notation, it is limitatively restricted to a period of 30 (thirty) calendar days from the date of notation and may be extended if there is a court ruling or decree as regulated. Sometimes the freezing notation does not automatically lapse, which ultimately causes legal uncertainty.

Moreover, the evidence required to establish a legal relationship between the party requesting the freezing and the land subject to that request is delineated under Article 6 letters (f) and (g) of the Minister of Agrarian Affairs and Spatial Planning or Head of the National Land Agency Regulation Number 13 of 2017 concerning Procedures for Freezing and Seizure. The pertinent provisions read as follows.

In instances where the request for a freezing notation coincides with a court action, the requisite supporting documents are twofold: a lawsuit letter, and either the relevant case registration number or a suspension determination from the State Administrative Court;

For a freezing notation application that concerns conflicts over jointly held marital assets or succession matters, the evidentiary documents required include a marriage certificate or marriage book, a family card, or alternatively a judicial ruling regarding divorce or an inheritance statement;

For a freezing notation application arising from a legal act, the evidentiary prerequisites consist of a court ruling concerning a debtor creditor relationship. Alternatively, the applicant may present a deed of binding sale and purchase agreement, a loan agreement deed, or a deed of exchange, provided that any such deed has received legalization from a competent official;

Other requirements pursuant to applicable statutory provisions.

Provisions of an open-ended nature, such as the phrase "other requirements in accordance with the provisions of laws and regulations", indicate normative vagueness. This points to a regulatory inconsistency between the principle of legal certainty and administrative practice, as the broad wording allows for discretionary interpretation by administrative officials without clear legal boundaries.

This lack of clarity creates normative obscurity (vague norm), which in practice enables third parties to initiate freezing requests without strict legal standing requirements, thereby transforming a preventive administrative mechanism into a potential tool of abuse. Furthermore, the absence of strict verification standards for freezing requests means that this administrative action has the potential to be misused. Normatively, there is a discrepancy between the purpose of land freezing as a legal protection instrument and its practical implementation, which in fact has the potential to harm legitimate right holders.

The Position of Land Ownership Certificates as Strong Evidence

A land ownership certificate is strong evidence as affirmed in the land registration system. This indicates that land certificates serve a dual purpose: they act both as evidence of title and as an administrative decision of the state, which, under certain circumstances, can give rise to legal ambiguity when dealing with land freezing measures. A certificate does not only function as proof of ownership but also as a guarantee of legal certainty for its holder (Permadi, 2023; Ramadhani et al., 2025). This is consistent with the publicity principle in land registration, whereby the data contained in a certificate is deemed correct unless proven otherwise (Murni et al., 2022). Certificates as strong evidence are not infrequently the object of court claims due to disputes, conflicts, and cases. Such lawsuits before the courts arise because a certificate has 2 (two) sides: on one side, in civil law terms, a certificate constitutes evidence of ownership; on the other side, a certificate constitutes a form of decision that is declaratory in nature (*beschikking*) (Marbun, 2003). Issued by the Head of the Land Office as a State Administrative Official, the *beschikking* nature constitutes recognition of land ownership rights for the owner. A certificate that is issued is also declaratory in nature, meaning a decision to recognize something that already exists and is granted because the specified requirements have

been fulfilled. A declaratory decision is issued to realize, in accordance with statutory provisions, what is still abstract into a concrete form, for example the issuance of a certificate.

The provision of Article 19 paragraph (2) letter c of the UUPA stipulates that the purpose of land registration is the issuance of letters of title evidence that serve as strong evidentiary instruments. Such strong evidence is called a land title certificate, which constitutes a copy of the land book and is accompanied by a measurement letter as an inseparable part thereof. Because land registration adopts a negative system, a land certificate serves as strong evidentiary proof of right over a parcel of land unless proven otherwise. Such understanding causes the physical data and juridical data recorded in a land certificate to be accepted as correct data, both in everyday legal acts and in court disputes, until another party proves otherwise (Wahid, 2008). In everyday understanding, a title evidence letter is a Certificate. As this phrase appears on the cover of a folder bearing the Garuda bird logo stitched together with a measurement letter or land situation map (Lubis & Lubis, 2012).

The definition of the term "certificate" is found in Article 1 number 20 of Government Regulation Number 24 of 1997. That provision defines a certificate as a document serving as evidence of title in the manner specified by Article 19 paragraph (2) letter c of the UUPA. Issuance of a certificate is permissible for land rights, management rights, *waqf* land, strata title ownership rights, or mortgage rights. However, such issuance may occur only after the pertinent right has been properly recorded in the corresponding land book. Land freezing can reduce the evidentiary force of such a certificate. Freezing causes the right holder to be unable to perform legal acts over the land, such as sale and purchase, grants, or the imposition of mortgage rights. This condition demonstrates a contradiction between the legal force of a certificate and the effect of a freezing action. This suggests that administrative measures are capable of limiting legally recognized rights without judicial determination, thereby weakening the function of certificates as instruments of legal certainty (Harysart & Suyanto, 2024; Mohamad & Djaja, 2025). This highlights an inconsistency between the principle of legal certainty and administrative practice, whereby rights that have been legally recognised are in fact restricted through temporary administrative measures without a final adjudication process. This reflects a structural imbalance between the legal recognition of rights and administrative control mechanisms within the land governance system. This is contrary to the principle of legal certainty, where the law should provide protection for a right that has been legally recognized. When a certificate holder cannot exercise their right due to unilateral freezing, the function of the certificate as strong evidence becomes diminished. Although normatively a certificate possesses strong legal force, the existence of the land freezing mechanism can weaken the certificate through a land freezing mechanism that is not strictly regulated.

Two or more legal subjects enter into what is termed a legal relationship, characterized by the mutual alignment of rights and obligations between the parties. As a set of rules regulating societal relations, law bestows upon a legal subject the power to act or to claim something that another party is obligated to provide. The law further guarantees both the exercise of that power or right and the fulfillment of the corresponding duty. Two aspects invariably accompany every legal relationship: the aspect of *bevoegdheid*, which refers to power, authority, or right, and the aspect of *plicht*, which refers to obligation. A right is precisely the term used when such authority is conferred by law upon any legal subject, be it an individual or a corporate entity (Soeroso, 2011). Rights and obligations, which are both conferred and secured by law, manifest themselves through legal relationships. Such rights and obligations originate from legal events. However, in the context of land freezing, the balance between these rights and obligations is disrupted when the rights of certificate holders are restricted by administrative measures that are not final. According to Van Apeldoorn, a legal event is defined as an occurrence that, by operation of law, either generates or terminates a right (Soeroso, 2011).

Legal Protection for Holders of Land Ownership Certificates

Legal protection is one of the primary objectives in the legal system, including in land law. This situation indicates an imbalance between preventive legal protection and administrative effectiveness, meaning that protection for certificate holders is not yet fully optimal. Legal protection can be distinguished into preventive protection and repressive protection. In the context of land freezing, preventive protection should be provided through clear regulations and strict verification mechanisms before freezing is carried out. Such protection has not been optimal.

The main problem with the land freezing mechanism lies in the gap between the normative objectives of the regulations—which are designed to protect rights—and their administrative implementation, which still leaves room for legal uncertainty for land certificate holders (Firdaus et al., 2025; Sabdaningtyas & Dewi, 2024; Widiyono & Khan, 2023). Land freezing is frequently carried out without notice or without providing the right holder an opportunity to give clarification. This indicates that the principle of due process of law has not been applied maximally in the land freezing mechanism. This suggests that administrative actions are carried out without adequate procedural safeguards, thereby increasing the risk of arbitrary decision-making. Further, the absence of a clear time limit on land freezing also creates legal uncertainty. This condition prolongs restrictions on property rights without predictable resolution, which is contrary to the principle of proportionality in administrative law. Right holders may suffer losses for an indefinite period without certainty as to when the freeze will be lifted. This reflects structural weaknesses in the land freeze regulations, where the uncertainty regarding the duration of administrative actions has the potential to undermine the principle of legal certainty in the land registration system. Therefore, improvements in the regulation and implementation of land freezing are needed to provide more optimal legal protection for holders of land ownership certificates.

A freezing notation recorded in a land book yields a specific legal consequence pursuant to Article 3 paragraph (3) of Ministerial Regulation Number 13 of 2017 on Procedures for Freezing and Seizure. That consequence consists of a prohibition on carrying out land registration data maintenance activities. Nevertheless, this legal effect is not final or irreversible. The temporary nature of a freezing notation is inherent in its definition, which describes it as an administrative act by the Head of the Land Office or an appointed official to establish a temporary freeze or status quo on a land right in relation to legal acts and legal events concerning the land. Moreover, the same regulation contemplates the cancellation of a freezing notation. Article 15 paragraph (1) explicitly states that a freezing notation filed by an individual or legal entity shall expire in the following circumstances.

the freezing period expires and is not extended;

the party who filed the notation request has withdrawn the request before the period expires;

the Head of the Office deletes the freeze before the period expires; or

there is a court order in the form of a decision or decree.

These provisions reflect efforts to establish procedural regulations for land freezing; however, there are still shortcomings due to the presence of open-ended provisions that may give rise to varying interpretations in administrative practice.

Regarding the duration of a freezing notation filed by an individual or legal entity, it is valid only for a period of 30 (thirty) calendar days from the date of notation and may be extended if there is a court decree or decision; however, this cannot be generalized as it depends on the case. If indeed the Land Title Certificate in question contains highly complex problems within it, then as a matter of prudence. One of the essential principles underpinning the legal order, and simultaneously one of law's own goals, is legal certainty. In the sphere of land administration, the realization of legal certainty occurs through a land registration system that offers assurance regarding rights of land ownership. However, land freezing carried out unilaterally by a third party can disrupt such legal certainty. When a right holder cannot use their land due to freezing, the legal certainty that should be provided by the certificate becomes ineffective.

Another consequence of land freezing is the emergence of economic losses for the right holder, as well as a decline in public trust in the land administration system. This indicates that the impact of land freezing extends beyond administrative limitations into broader socio-economic consequences, thereby questioning the effectiveness of the policy as a protective instrument. If this condition continues, it may lead to an increase in land conflicts in society. Therefore, the regulation on land freezing requires reformulation to ensure that it does not conflict with either the principle of legal certainty or the goals inherent in the land registration system itself. Article 39 of Government Regulation Number 24 of 1997 stipulates that a freeze on land rights carries two primary legal effects for a Land Deed Official or PPAT. As the first such effect, the PPAT may not perform a deed of transfer of land rights in the absence of the original certificate of the affected land right being shown to the PPAT. Second, the PPAT bears an affirmative

duty to perform a clean check or verification of the land title certificate at the land office prior to drafting any deed that would transfer the land rights (Tyas & Mahfud, 2025).

A PPAT who obtains knowledge that a land title certificate has been placed under a freezing notation may not lawfully prepare a transfer deed for the affected land. Any transfer deed executed by the PPAT in contravention of this prohibition, where the land remains in a frozen state, is deemed automatically null and void pursuant to legal provisions (Reynaldi et al., 2023). Under Article 45 of Government Regulation Number 24 of 1997 on Land Registration, the circumstances justifying a refusal to register a transfer or encumbrance of rights are enumerated. Point b of this Article states that the Head of the Land Office holds the authority to refuse registration of a land rights transfer if the transfer lacks evidentiary support from a PPAT deed. Therefore, a frozen land title certificate cannot be conveyed to another party, since the PPAT, who is vested with the authority to prepare transfer deeds under Government Regulation Number 24 of 1997, is unable to perform such a deed.

Administrative Accountability of the National Land Agency for Unilateral Land Freezing Accountability of the National Land Agency for Land Freezing by Third Parties

The National Land Agency has authority in administering land administration, including in carrying out land freezing (Yuris & Sudiro, 2023). Such authority is derived from statutory regulations that grant attribution to BPN to manage land data and information. In exercising its authority, BPN must adhere to the principle of legality, namely that every governmental action must be based on law. Furthermore, BPN must also observe the General Principles of Good Governance (AUPB), such as the principles of carefulness, legal certainty, and transparency. If such authority is exercised without observing these principles, the administrative action taken may be considered unlawful and potentially give rise to legal accountability (Aziza, 2023).

In state administrative law, every action taken by a government official must be accountable. Administrative accountability arises when there is a violation of legal norms or the General Principles of Good Governance. Accountability may take the form of an obligation to correct the administrative action, provide compensation, or accept administrative sanctions. In land freezing, administrative accountability may arise if freezing is carried out without a clear legal basis or without proper procedure (Abdullah, 2021).

The legal concept of maladministration becomes important, namely an action that deviates from the principles of good governance, such as abuse of authority or negligence in performing duties. The National Land Agency frequently receives freezing requests from third parties without conducting adequate verification of the legal basis of such requests, thereby creating the potential for maladministration. If freezing is carried out without a strong legal basis, the National Land Agency may be held administratively accountable for the losses suffered by the right holder. Such accountability may take the form of the revocation of the freeze, rehabilitation of rights, or even compensation if an error in the administrative action is proven. It is very important for BPN to improve its verification standards and exercise greater prudence in processing land freezing requests.

Land title certificate holders who are harmed by freezing may pursue various legal remedies. Such remedies include administrative objections, complaints of maladministration, and lawsuits before the State Administrative Court (Wahyudi & Saleh, 2022). Through such mechanisms, right holders may request the annulment of an unlawful freezing action and obtain legal protection. Furthermore, these legal remedies also function as a form of control over governmental administrative actions. With the existence of such oversight mechanisms, it is hoped that the implementation of land freezing can proceed in accordance with applicable legal provisions and does not harm the rightful party.

Problematic Land Freezing by the National Land Agency from an Administrative Law Perspective

The practice of freezing land title certificates by the National Land Agency (BPN) is fundamentally an administrative instrument aimed at maintaining the status quo over land parcels that are currently in dispute. However, in practice, the exercise of such authority frequently gives rise to new legal problems, particularly when carried out without adequate verification and without being grounded in the principle of prudence. This indicates a tension between the function of legal protection through freezing and the principle of legal certainty for land right holders. Research on the implementation of freezing at the land office level shows that although it has been regulated in

administrative regulations, its implementation still faces various procedural and substantive obstacles that have the potential to harm right holders (Istiana et al., 2022).

Normatively, BPN's authority to carry out freezing is derived from statutory regulations in the field of land administration, particularly those governing the procedures for freezing and seizure. However, such authority is not absolute; rather, it must be exercised within the framework of the General Principles of Good Governance (AUPB), such as the principles of carefulness, legal certainty, and transparency. Freezing carried out without a clear legal basis or without proper procedure may be categorized as an administrative defect that implies the nullity of such action (Sihaloho et al., 2019). Thus, a freezing action is assessed not only from the aspect of authority but also from the aspects of procedure and substance.

The problem becomes increasingly complex when freezing is carried out upon a third party's request without adequate verification of the legal standing of the applicant. Hartawan (2024) states that one of the main factors causing inaccurate freezing is the lack of carefulness on the part of land office personnel in examining documents and the legal basis of the request. This condition indicates the potential for maladministration, namely an administrative action that deviates from the principles of good governance. This suggests a failure in institutional control mechanisms, particularly in ensuring compliance with the principles of prudence and legality, whether in the form of abuse of authority or negligence in fulfilling legal obligations. In judicial practice, this issue has repeatedly been tested through disputes before the State Administrative Court (PTUN). One example can be seen in the Medan PTUN Decision Number 115/G/2023/PTUN.MDN, in which the panel of judges affirmed that an administrative action that does not meet AUPB standards may be declared null and void by operation of law. In that decision, administrative defects were found both in terms of procedure and substance in the issuance of the certificate, which then became the basis for annulment by the court.

One of the main reasons for BPN's losses in land dispute cases before the courts is the existence of procedural defects and inconsistencies in juridical data in the land administration process (Marryanti & Nurrokhman, 2021). This indicates that weaknesses in the administrative process, including in freezing, can have a direct bearing on losing legal disputes. In other words, the quality of land administration has a strong correlation with BPN's success in upholding its administrative decisions before the courts. The implementation of freezing is frequently not accompanied by adequate notification to the land right holders. In this context, freezing does not only affect the administrative aspect but also the economic and social aspects, because right holders cannot perform legal acts over their land during the period of freezing (Syuryani, 2023). This condition indicates that freezing has a significant impact on civil rights, and therefore must be carried out proportionally and accountably.

From an administrative law perspective, this condition reflects a shift from the principle of *rechtmatigheid* (legal validity) toward the issue of *doelmatigheid* (the appropriateness and usefulness of the action). This means that an administrative action is not merely required to be legally valid but must also provide benefit and not cause disproportionate harm. In the context of land freezing, an action carried out without adequate verification not only potentially violates the law but also contradicts the very purpose of legal protection itself. In the context of the land registration program such as PTSL, it has been found that various forms of administrative defects still exist, caused by the lack of carefulness on the part of personnel, legal vacuums, and data limitations (Satryadin, 2025). This finding reinforces the argument that problems in land administration are systemic in nature and are not limited to freezing practices. Therefore, improvements to the freezing mechanism must be carried out comprehensively, including through the reform of the land administration system as a whole.

In the context of administrative accountability, an unlawful freezing action may give rise to an obligation on the part of BPN to provide redress, whether in the form of revocation of the freeze or the provision of compensation. This is consistent with the principle that every governmental action that causes harm must be legally accountable. Certificate holders who are harmed by freezing have a strong legal standing to file a lawsuit, whether through administrative mechanisms or through the State Administrative Court (Fitria et al., 2021; Sudana & Sastrawan, 2017). Thus, it can be concluded that the practice of land freezing by the National Land Agency still faces various serious problems, both from normative and implementation aspects. The main weakness lies in the lack of substantive

verification, non-compliance with AUPB, and weak internal oversight mechanisms. This condition not only has the potential to give rise to maladministration but also increases the risk of legal disputes, which ultimately harm the public and diminish trust in the land institution. Therefore, reform is needed in freezing procedures that is not only normative in nature but also operational and systemic, in order to guarantee legal certainty and the protection of land rights in a just manner.

CONCLUSION

Holders of land title certificates essentially enjoy a strong legal standing as legitimate rights holders within Indonesia's land registration system. However, in practice, where third parties seek to block land, this legal protection remains suboptimal due to ambiguities in Ministerial Regulation No. 13 of 2017 issued by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), particularly regarding the criteria for parties entitled to submit applications. This situation allows for unilateral blocking without adequate verification, thereby creating legal uncertainty and the potential for loss to rights holders. In this regard, the National Land Agency (BPN) may be held administratively liable if the implementation of blocking fails to meet the principles of legality and the general principles of good governance (AUPB), as actions taken without adequate verification may be categorised as maladministration.

Consequently, regulatory improvements are required to clarify the criteria for parties entitled to request a block and to implement stricter verification mechanisms to prevent abuse. Furthermore, legal protection for certificate holders must be strengthened through the guarantee of the right to be heard prior to a block and clarity regarding the duration of the blocked status. On the other hand, the National Land Agency (BPN) needs to enhance its professionalism, diligence, and internal oversight in exercising its authority. Access to legal remedies for aggrieved parties must also be facilitated, whether through administrative mechanisms or administrative courts, to ensure greater legal certainty and protection.

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