

RESPONSIBILITY OF THE NATIONAL LAND AGENCY OF GORONTALO CITY FOR THE CANCELLATION OF LAND CERTIFICATES

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ABSTRACT

This research aims to find out the responsibility of the Gorontalo City National Land Agency for canceling its land certificates. The methods used in this study are empirical legal research by conducting sample withdrawal using purposive sampling and data analysis using qualitative or descriptive research approaches. The results showed that civil liability by the Gorontalo City National Land Agency against the certificates that were legalized by the Gorontalo State Administrative Court, was carried out by the Gorontalo City BPN by implementing the decision of the State Administrative Court both the first level, appeal, to the cassation that had been *inkrah.*, and issue a Decree (SK) cancellation of land rights certificates. In the implementation of the duties on land certificates declared void by the State Administrative Court, the Gorontalo City National Land Agency must prepare all potential and resources, and need to conduct an analysis to carry out the verdict as a form of its responsibility for land rights certificates that are declared void, without having to be requested by the applicant back to the Gorontalo City BPN.

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I. INTRODUCTION

A. Background

In order to regulate and manage land ownership by a person, the government also establishes a body that has a role and function to manage matters related to land which include disputes, conflicts and cases filed by interested parties in the land. This agency was born based on Presidential Decree No. 96 of 1988, with the name of the National Land Agency (hereinafter abbreviated as BPN). In line with these ideals, BPN was formed up to the provincial level, and districts / cities. This aims to facilitate the management of land to the lowest level. This body is responsible for all stewardship of land rights by a person, and anything else provided by law. The duties, functions, and authorities owned by BPN are based on Presidential Regulation No. 17 of 2015. The existence of rights that can be owned by the community does not necessarily cover all aspects, but the right based on *juridisinya* review.¹

One of the duties and authority of bpn as above is to issue a land certificate that is a valid proof of ownership by someone against the land. The Great Dictionary of Indonesian (KBBI), defines that a certificate is proof of ownership by a person and given by an authorized person and explained as proof of ownership of an event in the past.² So that the land that has a certificate is legally valid land obtained by someone on proof of land ownership. The existence of land certificates that require ha catalys land ownership greatly affects the existence of the land itself. In addition, land certificates can also provide legal certainty for someone who is charged over the ownership of the land in question.

The necessity of land to be registered and have a certificate is a mandate from the regulations of the invitees, especially UUPA Article 19 paragraph (1) which states that all land harsu is registered to inventory the land. In addition, land registration is also mandated by Government Regulation No. 24 of 1997 concerning Land Registration. In the PP it is also affirmed that the land ownership letter (certificate) is valid and strong evidence. In the land certificate, there are several things that are clearly loaded about the area, boundaries, and state of the land to be registered. However, the existence of land certificates as a valid, and strong evidence is often still experiencing obstacles. This is evidenced by the entry of a lawsuit into the court area that takes issue with the status of land ownership by someone. Disputes or conflicts by the parties in land matters, especially land certificates often involve BPN as an element that participates in the problem. Not infrequently in some decisions in the courts that handle state administrative disputes, canceling the validity of land certificates issued by the BPN. State involvement is also one of the characters of the phenomenon of

¹ Urip Santoso, *Hukum Agraria Kajian Komprehensif* (Surabaya: Prenada Media Group, 2012), 4.

² Pusat Bahasa. 2008. *Kamus Bahasa Indonesia*. Jakarta: Pusat Bahasa Departemen Pendidikan Nasional, 1433

conflict.³ So that this becomes a constitutional right for every citizen of Indonesia.⁴ Because also human rights are part of the implementation of the judiciary within the framework of independent judicial power.⁵ The right to life must be protected by the state, especially the state of law.⁶ Indonesia as one of the countries that put forward the constitution in every aspect of national and state life.⁷ The existence of human rights will have no meaning if it is not followed up with the law that regulates the relationship of rights, meaning that the law formalizes human rights into a set of rules to maintain and protect so as not to become clashes in the life of society and state.⁸

The authority of PTUN to decide the case of land certificate status is based on Article 53 of Law No. 5 of 1986 concerning State Administrative Justice, where the relation is BPN is the state administrative office, and BPN as the party issuing land rights certificates. In addition, BPN is a legal subject party considered to be able to perform legal acts as stipulated in civil law. BPN as the party responsible for the issuance of certificates, will involve the applicant, landowners, and other parties who have a direct relationship with the management of land rights certificate issuance.

BPN Kota Gorontalo as an institution that handles land in Gorontalo city also experienced various lawsuit problems filed by the plaintiffs and defendants, as well as other parties who are considered responsible. Problems involving the BPN of Gorontalo City are quite diverse, ranging from land boundary disputes, land procurement, to the issuance of land rights certificates. In the period 2019-2020, there are 6 (six) cases in PTUN Gorontalo, which examines, adjudicates, and resolves land conflicts and their impact on land rights certificates.

In particular, the concept of accountability by BPN Gorontalo is a must that is urged in the Civil Code, which in it can be tracked through 2 (two) Articles in the Civil Code that specifically regulates compensation due to the legal actions in question, namely Article 1365 which means everyone must be held accountable for an act that has harmed others by indemnifying others. In addition, in the Civil Code explained that a person must be responsible for losses caused not only by him, but also to a loss due to negligence and lack of caution. Based on the concept of responsibility that has been regulated in the Civil Code, BPN Gorontalo is also the subject of law (the parties). Therefore, it is important to be able to see how the

³ Yudha Chandra Arwana. "Jalur Mediasi dalam Penyelesaian Sengketa Pertanahan Sebagai Dorongan Pemenuhan Hak Asasi Manusia." *JALREV* 1 (2) 2019, 216

⁴ Nggilu, N., & Wantu, F. M. (2020). Menapaki Jalan Konstitusional Menuju Zaken Cabinet: Ikhtiar Mewujudkan Pemerintah Berkualitas Konstitusi. *Jurnal Hukum Samudra Keadilan*, 15(1), 128

⁵ Nabih Amer. (2020). "Analisis Pembubaran Organisasi Kemasyarakatan Dalam Perspektif Negara Hukum." *Jurnal Legalitas*. 13 (1), 12

⁶ Lisnawaty Badu. (2012). Euthanasia Dan Hak Asasi Manusia. *Jurnal Legalitas*. 5 (1), 1

⁷ Fakhris Lutfianto Hapsoro. (July, 2020). Interpretasi Konstitusi dalam Pengujian Konstitusionalitas untuk Mewujudkan The Living Constitution. *JALREV* 2 (2), 145

⁸ Tijow, Lusiana. Perlindungan Hak Asasi Manusia Terhadap Hak Hidup Anak Dalam Kandungan Di Luar Perkawinan Yang Sah. *Jurnal Legalitas* 3 (2), 80

pattern of accountability of BPN Kota Gorontalo as the party issuing land certificates. On the other hand, it is also important to know how legal certainty for the ownership of land certificates canceled by PTUN Gorontalo.

B. Problem Statment

In this paper formulates problems related to how the responsibility of the National Land Agency of Gorontalo City against the cancellation of its land certificate.

C. Research Methods

The type of research used is empirical legal research that examines human behavior from speech actions obtained through interviews and concrete actions obtained through direct observation. While the sample withdrawal uses purposive sampling and this study uses data collection through observation, interview and document studies. Furthermore, data analysis will be carried out using a qualitative research approach.⁹

II. DISCUSSION

Responsibility of Gorontalo City BPN Against Cancelinghis Land Certificate

The authority of PTUN to cancel land ownership certificates by someone is based on land certificates issued by the National Land Agency (BPN) which in fact is the state administrative office.¹⁰ So that if there is a dispute against the land certificate by the parties who have the right to examine and adjudicate is PTUN.¹¹ Obviously, PTUN is a judicial institution that adjudicates disputes of state governance due to legal actions of state governance by state administrative officials. The annulment of a person's right to land is a logical consequence of a conflict between the parties to the dispute in the State Administrative Court (hereinafter abbreviated as PTUN). The cancellation is based on evidence in the state administrative justice system, and strengthened by the judge's decision in overturning the position of a land ownership certificate by a person. The application for cancellation of the certificate by PTUN may be rejected or accepted depending on the truth at the time of proof.

BPN as a body that has the task to issue a certificate of land rights by a person or a legal entity, is also considered as the body responsible for the cancellation of land rights certificates by PTUN. Accountability by the BPN on a civil basis because that a person or legal entity must be held accountable for losses suffered by others.¹² In addition, responsibility will also be assigned to a person not only because he made a mistake, but also negligence.¹³

⁹ Fajar M Achmad Y. *Dualisme Penelitian Hukum Normatif dan Empiris*, (Yogyakarta Pustaka Pelaja, 2017), 153.

¹⁰ Pasal 53 Undang-undang No 5 tahun 1986 tentang Peradilan Tata Usaha Negara

¹¹ Lihat pula kompetensi absolut dan kewenangan mutlak yang dimiliki oleh PTUN

¹² Lihat Pasal 1365 KUHPerdara

¹³ Pasal 1366 KUHPerdara

If viewed further, the cancellation of land rights certificates cancelled by PTUN Gorontalo as outlined in the background of the problem, then the case involves the Gorontalo City BPN as the party who must be responsible for issuing / issuing certificates of ownership rights of a land. In addition, BPN Kota Gorontalo is an administrative institution, which can perform legal acts so that land rights certificates can be sued / requested to be examined and tried at the judiciary that has the authority to do so. In the period 2018-2020, PTUN Gorontalo has examined and adjudicated land disputes as many as 6 (six) cases, with the object being the certificate of land rights. The cases faced are various statuses which include the verdict of sela; minutation; and an execution request. In this case, the BPN of Gorontalo City some of them are sued as parties who issue / issue certificates of land rights, and sued to compare land rights certificates.¹⁴

In carrying out its duties and functions, BPN Kota Gorontalo always acts in reference to the laws and regulations as a foundation in carrying out the implementation of these tasks and functions. This was stated by Mr. Muhammad Yusri (First Land Management Officer) as a respondent in an interview conducted in the field. In the interview, the BPN of Gorontalo City carried out the statutory order in carrying out its duties and authority, without changing anything other than mandated. He also stated that the implementation of the duties and functions of the Gorontalo City BPN continues to be maximized, especially related to land disputes involving the GORONTALO City BPN, in order to maintain the competence values of BPN Gorontalo City.¹⁵¹⁶¹⁷

If the disputed is the position of the land certificate, then the object is a certificate issued by the competent body (state administrative officer) and must be requested to be canceled through the judicial mechanism of state administration. Therefore, the cancellation procedure must be submitted by PTUN as a judicial institution that has authority about it.

In line with the progress and so rapid science and technology today.¹⁸ The emergence of a request for the cancellation of land certificates to the PTUN, according to Suslianto et al, there are 3 (three) possibilities,¹⁹ *First*, because of the existence of two or more land certificates, one of which is believed to be true. *Second*, all disputed certificates do not have an original copy of the BPN. *Third*, one of these certificates is part of the community.

¹⁴ Sumber: website PTUN Gorontalo tahun 2021.

¹⁵ The interview was conducted on Monday, September 13, 2021, at 14:00 pm.

¹⁶ The interview was conducted on Monday, September 13, 2021, at 14:00 pm.

¹⁷ The interview was conducted on Monday, September 13, 2021, at 14:00 pm.

¹⁸ Lakoro, A., Badu, L. W., Achir N. (2020). Lemahnya Kepolisian Dalam Penanganan Tindak Pidana Perjudian Togel Online, JURNAL LEGALITAS, 13 (1), 32

¹⁹ Suslianto, dkk. 2020. Studi Hukum Pembatalan Sertifikat Hak Milik Atas Tanah. *Akademika: Jurnal Ilmiah Media publikasi ilmu Pengetahuan dan Teknologi*. 9 (1), 52

In the matter of canceling a certificate of right to land ownership, Mr. Muhammad Yusri explained in the interview as follows:²⁰

"Cancellation of the certificate of land rights, some are carried out by BPN (Gorontalo) and by other agencies that are given the authority to perform the task, such as PTUN. Well, if from the BPN Gorontalo City itself, in making cancellations, it is certainly based on procedural errors."

A land that has been owned by a person or legal entity may be requested to be rescinded through the state administrative justice system. This is in accordance with the provisions in Permen Agrarian / BPN 9/1999 Article 104 paragraph (2) which states that in addition to the application for cancellation by someone to BPN due to legal defects, the cancellation of land ownership certificates can also be canceled to carry out PTUN rulings. This step is certainly appropriate as a form of responsibility for the BPN of Gorontalo City for certificates that were canceled for the sake of law by the judiciary. The entry of the application for the cancellation of land certificates to PTUN Gorontalo involving the GORONTALO City BPN, was justified by the Gorontalo PTUN. This is a strategic step towards realizing this national goal. In addition, based on the search results on the ²¹*website* owned by PTUN Gorontalo, the dispute that in one of the main applications of the applicants to cancel the land certificate there are 6 (six) cases with different status. this is also based on the results of observations and interviews with Mr. Abdul Rais, as the Registrar of Law at PTUN Gorontalo, as follows:^{22,23}

"Indeed, since PTUN Gorontalo was established from 2018, there are several cases about land certificates handled by PTUN Gorontalo. Among these things, some are the result of the departure of PTUN Manado. So the case in PTUN Manado we handled in PTUN Gorontalo."

The same is also justified by the BPN of Gorontalo City represented by Mr. Muhammad Yusri, stated in the interview as follows:²⁴

"BPN Kota Gorontalo has been sued several times on PTUN related to land rights. In this dispute, of course, we always maintain what we think is right. We also refer to the laws and regulations in carrying out the duties and functions mandated for us (BPN Kota Gorontalo).

Furthermore, in an interview at the same time, the BPN of Gorontalo City stated the following:²⁵

²⁰ The interview was conducted on Monday, September 13, 2021, at 14:00 pm.

²¹ Ahmad Rustan Shamsuddin. (July, 2020) Proof of Abuse of Authority in Criminal Cases of Corruption in Procurement of Goods and Services. JALREV 2 (2), 163

²² Source: PTUN Gorontalo website in 2021.

²³ The interview was conducted on Wednesday, October 6, 2021. At 1:30 p.m.

²⁴ The interview was conducted on Monday, September 13, 2021, at 14:00 pm.

²⁵ The interview was conducted on Monday, September 13, 2021, at 14:00 pm.

"Of course, if there is a court ruling like PTUN that cancels land certificates by applicants and respondents, we carry out the ruling. For example, if there is a decision to cancel the land certificate by PTUN Gorontalo that has been *inkrah* and ordered to be canceled, then we follow up the TUN ruling related to the land certificate."

In the same interview opportunity, the Gorontalo City BPN explained that it did not rule out the possibility of BPN Kota Gorontalo as the respondent to appeal to the High Court of State Administration, up to the level of cassation as another legal effort that can be pursued.²⁶ This is, according to bpn gorontalo city as a form of equal rights before the justice system in seeking justice.²⁷ Because, in the implementation of its obligations as parties (respondents), BPN Kota Gorontalo always maintains what is considered right, although in the end there are some land certificate disputes that are not won by the Gorontalo City BPN which causes the land certificate to be null and void. The cancellation of the land rights certificate resulting from the gorontalo PTUN ruling must have gone through various stages and considerations by the gorontalo PTUN judges. This is also stated by PTUN Gorontalo through Mr. Abdul Rais as follows:²⁸

"In every decision, especially the case about land certificates, there is certainly consideration by the panel of judges of PTUN Gorontalo. So not all things that were decided by PTUN Gorontalo were granted, some were rejected."

Furthermore, on the occasion of an interview with Mr. Abdul Rais, he explained that every verdict given by the panel of judges at PTUN Gorontalo was distinguished into a ruling that granted, rejected, and accepted related to the case at hand.²⁹ He also explained that in the event that there is a decision on the cancellation of land rights certificates by the PTUN Gorontalo panel of judges, it means that there are special considerations by the panel of judges such as being reviewed from the normative side or the procedural side of issuing land certificates that are not appropriate.³⁰ The principle is, the decision related to the cancellation of property rights in the land rights certificate is attached to how the considerations of the judges in the case being faced.³¹

The decision of PTUN Gorontalo about the cancellation of land certificates will indeed be canceled by issuing a Decree (SK) on cancellation by the Gorontalo City BPN as a form of follow-up and compliance with the law. However, in the process, it still has to go through the procedures that have been established by the Gorontalo City BPN.³² The thing that is in harmony is stated by Shirley Claudia Permata et al, that when there is a PTUN ruling about the cancellation of a

²⁶ The interview was conducted on Monday, September 13, 2021, at 14:00 pm.

²⁷ The interview was conducted on Monday, September 13, 2021, at 14:00 pm.

²⁸ The interview was conducted on Wednesday, October 6, 2021, at 1:30 p.m.

²⁹ The interview was conducted on Wednesday, October 6, 2021. At 1:30 p.m.

³⁰ The interview was conducted on Wednesday, October 6, 2021. At 1:30 p.m.

³¹ The interview was conducted on Wednesday, October 6, 2021. At 1:30 p.m.

³² The interview was conducted on Monday, September 13, 2021, at 14:00 pm.

certificate of ownership rights to land, not legally valid, or there are other reasons, then the land certificate is not necessarily void.³³ But it must be requested again by the winning party for the cancellation of the deposit to the BPN.³⁴ The results of policies issued by the Government are solely derived from the wishes of the community.³⁵

Maya Sartika, in her similar research suggested that court rulings, especially PTUN, are not executory.³⁶ He also explained that judicial institutions such as PTUN only have the authority to decide whether or not a land certificate is disputed by the applicant and the respondent. Therefore, in the process, there are stages that must be passed by the party who won the case that a person who already has legal power based on the PTUN ruling, must be requested to the BPN for the issuance of a decree on the cancellation of land rights certificates.³⁷

The thing that is aligned is also revealed by the BPN Of Gorontalo City in the interview, as follows:³⁸

"For example, if there is a PTUN ruling that orders the cancellation, the disputed land certificate is not void by itself. The land certificate must be requested to us (BPN Kota Gorontalo) to be canceled. Then if it has entered us (BPN Kota Gorontalo) we forward to the Regional Office (Kanwil) BPN Gorontalo, just made a Decree (SK) cancellation and published. So it is not automatically canceled by the BPN of Gorontalo City after the PTUN ruling."

In the interview, the GORONTALO City BPN also stated that cancellations based on the PTUN ruling should be adjusted to the procedures in the Gorontalo City BPN.³⁹ Furthermore, in the BPN of Gorontalo City there is a so-called Risalah Data Processing (RPD) which in it explains the decisions of PTUN, Tun High Court, and MA, which ordered the cancellation.⁴⁰ This can happen if the village government realizes the inherited conditions are internalized into the development program (endogenous development).⁴¹ social welfare.⁴² This pressure is slightly more causing a significant reaction to the existence of society, so the government is careful in solving a problem that has to do with

³³ Shirley Claudia Permata, et al. 2018. Implementation of The Judge's Ruling Against the Cancellation of Land Rights Certificate. *Journal of IUS: The Study of Law and Justice*. 6 (3), 473

³⁴ Ibid.

³⁵ Princess Handayani Nurdin. (2019). Political Law Of Political Education Arrangement by Political Parties. *JALREV* 1 (2) July, 146

³⁶ Maya Sartika. 2019. The Position of The Court's Decision That Has Legal Force Remains in the Cancellation of Land Rights Certificate. *Sigli's Journal of Social Humanities*. 2 (1), 76

³⁷ Ibid.

³⁸ The interview was conducted on Monday, September 13, 2021, at 14:00 pm.

³⁹ Wawancara dilakukan pada senin, 13 september 2021, pukul 14.00 wita

⁴⁰ The interview was conducted on Monday, September 13, 2021, at 14:00 pm.

⁴¹ Zamroni, S. (2016). The Village Builds Without Leaving the Fringe Group. Institute for Research and Empowerment (IRE), 2, 6

⁴² Ariefulloh. (2019). Dilema Penerapan Sanksi Pelanggaran Lalu Lintas Terhadap Anak. *JALREV* 1 (2), 199

society.⁴³ Therefore, the cancellation of the land certificate must first hold a ruling that has permanent legal force, and must be requested to the BPN of Gorontalo City, then forwarded to the Gorontalo BPN Kanwil and will be processed in the context of their respective work.⁴⁴

The cancellation of the land certificate must go through a long analysis-analyst, and will be carried out the correct processing according to the determination that has been determined by the BPN of Gorontalo City and The Gorontalo BPN Kanwil before it is canceled, in order to streamline and avoid any errors that could occur.⁴⁵ The cancellation of land certificates by BPN Kota Gorontalo on the order of the PTUN ruling, in practice also is to accommodate the rights and interests of the applicants who postulated there has been a loss of rights by the applicant and the respondent.

Firzhal Arzhi Jiwantara,⁴⁶ In his research, one of the success factors of a TUN judicial decision is the form of compliance of tun officials or bodies. Furthermore, he also quoted from the dissertation by Supandi, that one of the factors of the non-implementation of tun decisions is the low legal awareness by TUN officials or bodies.⁴⁷ Therefore, a land rights certificate that has been canceled and has legal power has still been considered null and void even though it has not been issued a cancellation decree by bpn Kota Gorontalo. In fact, he concluded in the results of his research that the TUN verdict is executory,⁴⁸ So it must be implemented if there are no more objections from the other party.

In addition to the above, Novendri M. Nggilu, in his research suggested that the verdict by the judiciary, both ordinary courts and TUN courts must be adhered to as a form of compliance with the law.⁴⁹ Furthermore, he explained that the observance of the law must be implemented in order and efforts to maximize the realization of order in the life of the nation and state.⁵⁰ Therefore, the decision of PTUN Gorontalo related to the cancellation of land certificates must be carried out by the GORONTALO City BPN, although in the future there are other legal efforts from the GORONTALO CITY BPN.

⁴³Fitriyadi, Ahmad Adi. (2020) Differentiation of Refugees and Asylum Seekers in International Refugee Law and its Relation to the Principle of Non-Refoulement. JALREV 2 (2), 127

⁴⁴Iriyanto Tiranda. (July, 2019). Ideal Concept of Handling Cases of Wild Levies Corruption Based on Judicial Principles. JALREV 1 (2), 132

⁴⁵ Firzhal Arzhi Jiwantara. 2020. The Executive Power of the PTUN Verdict and the Implications in Its Implementation. *Comerce LawJournal*. Vol. 1 No. 1. Thing 17

⁴⁶ Firzhal Arzhi Jiwantara. 2020. Kekuatan Eksekutorial Putusan PTUN Dan Implikasi Dalam Pelaksanaannya. *Jurnal Comerce Law*. Vol. 1 No. 1. Hal 17

⁴⁷ *Ibid.* hal 18.

⁴⁸ Mohammad Afifudin Soleh. 2018. Eksekusi Terhadap Putusan Pengadilan Tata Usaha Negara Yang Berkekuatan Hukum Tetap. *Mimbar Keadilan: Jurnal Ilmu Hukum*, 45

⁴⁹ Novendri M. Nggilu. 2019. Menggagas Sanksi atas Tindakan Constitution *Disobedience* terhadap Putusan Mahkamah Konstitusi. *Jurnal Mahkamah Konstitusi*. 16 (1), 50

⁵⁰ *Ibid.*

Cancellation of a certificate of land rights by bpn Kota Gorontalo, both due to administrative defect error, and based on the PTUN ruling, is procedurally the same. This is because the stages that must be passed to cancel a land certificate are due to an error in the issuance of land rights certificates by bpn Kota Gorontalo. In addition, there needs to be an application that must be submitted first to the BPN of Gorontalo City related to the land certificate by the applicant.

In the event that the verdict of a TUN judicial institution has been *inkrah*, the BPN of Gorontalo City should have warned to carry it out. Therefore, the tun court ruling is a must to be implemented by bpn gorontalo city. It also aims to meet the values of effectiveness and efficiency of the BPN agency of Gorontalo City. Between BPN Kota Gorontalo as the respondent must build mutual harmonization with other parties to make the certificate ruling declared void by PTUN. In addition, with the PTUN ruling that has been *inkrah*, it means that there is already a responsibility that applies to the Gorontalo City BPN despite the possibility of appeal, and cassation and other legal efforts.

In addition to the above problems, if viewed further, according to the provisions of Government Regulation No. 24 of 1997 on Land Registration (hereinafter abbreviated as Land Registration PP), there is a provision that stipulates that for example there is land to be registered with BPN there is an opportunity to be sued by parties who feel aggrieved by the time limit given for 5 (five) years to sue the judiciary such as PTUN or other institutions that are authorized to do so.⁵¹ This indicates that after 5 (five) years after the land certificate in question, no more legal efforts can be pursued by people or legal entities who feel aggrieved at the onset of legal consequences on land certificates.

Based on the phrase of the provisions in the Land Registration Pp, as mentioned above, conception does not give other legal efforts to the parties both the applicant and the respondent even though it is taken by appeal, until the cassation in the Supreme Court, because of the time specified in the PP. In fact, it is important to see how polarizing the fulfillment of rights between the parties involved in the land, especially in the BPN area of Gorontalo City. The existence of restrictions provided by the laws and regulations to deal with the issue of land ownership in the TUN judiciary will be a separate problem for the establishment of justice of the parties, both the applicant and the respondent. In fact, each regulation should provide more space for the parties to determine their right to land ownership. In addition, institutions tasked with implementing the decision of the PTUN must harmonize each other's processes and stages of cancellation with the parties requesting the cancellation of the land certificate. Efforts that can be done on this is to bring the legal decision closer to the sense of justice lived by the community so that the implementation of the law further creates order in the

⁵¹ Lihat ketentuan Pasal 32 ayat (2) PP No. 24 Tahun 1997

community itself.⁵² More important is that it is currently one of the most efficient steps in trying.⁵³ Quoting as said by Fence M. Wantu in his Journal that the nature of justice is a matter of judgment from one person to others, which is generally seen from those who receive treatment only.⁵⁴

All actions taken by the Gorontalo City BPN, especially those that cancel a series of land rights, either for procedural errors, or at the behest of PTUN Gorontalo, are a form of civil responsibility. This is clear by what has been determined by default in Civil Code Articles 1365 and 1366 which stipulate that a person or legal entity must be held accountable for any actions that harm others. The cancellation of land certificates by the Gorontalo City BPN can also be understood as an effort by the institution in instilling a sense of trust in the people of Gorontalo City in seeking justice. The government through the law has given the starting point of justice, which is done for the sake of justice based on the Supreme Divinity.⁵⁵ to provide protection of the fundamental rights or dignity and dignity of human beings, especially for seekers of justice.⁵⁶ The action of the Gorontalo City BPN against the certificate of land rights which in the process of finally canceling based on the decision of PTUN Gorontalo must be interpreted as an absolute responsibility effort (*Strict Liability*), to the parties to the dispute. The thing that is in harmony is stated by the conclusion of his research that BPN is an institution / body that must be absolutely responsible for land ownership disputes.⁵⁷ Absolute responsibility is an action aimed at maintaining the rights and obligations by the parties of both BPN Kota Gorontalo and the applicant / respondent remains harmonious. In addition, the action by the BPN that ties the certificate of land rights is a logical consequence in relation to carrying out its duties and authority. So that these actions harm the general public and often even often violate the legal norms that apply in the general public.⁵⁸ So in modern times is an era where humans are required to develop themselves.⁵⁹ Norms that

⁵²Ibrahim Ahmad. (2010). "Prinsip Keadilan Dalam Penyelesaian Sengketa Tanah Untuk Kepentingan Pembangunan." Jurnal Legalilas 3 (2), 21

⁵³Mohamad Rivaldi Moha. (July, 2020). Urgensi Pendaftaran Penyelenggara Sistem Elektronik Bagi Pelaku Usaha E-Commerce. JALREV 2 (2), 115

⁵⁴Fence M. Wantu. (Juni, 2013). Kendala Hakim Dalam Menciptakan Kepastian Hukum, Keadilan, Dan Kemanfaatan Di Peradilan Perdata. Jurnal Mimbar Hukum. 25 (2), 206

⁵⁵Fenty Puluhulawa, Lusiana M, Tujow, Sutrisno. (2020). "Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim." Jurnal Gorontalo Law Riview. 3, (2) Oktober, 184

⁵⁶Dian Ekawaty Ismail. (2009). "Upaya Perlindungan Hak-Hak Tersangka/Terdakwa Melalui Mekanisme Praperadilan di Kota Gorontalo." Jurnal Mimbar Hukum. 21 (1) Februari, 85

⁵⁷Angelia Ingggrid Lumenta. 2018. Tanggungjawab BPN Menurut PP No. 24 Tahun 1997 Terhadap Tumpang Tindih Kepemilikan Tanah. *Jurnal Lex Et Societatis*. Vol. 6 No. 7. Hal. 37

⁵⁸Novendri M. Nggilu dan Ahmad (2020). Denyut Nadi Amandemen Kelima Undang-Undang Dasar 1945 melalui Pelibatan Mahkamah Konstitusi sebagai Prinsip the Guardian of the Constitution. Jurnal Konstitusi, 202016(4), 785-808

⁵⁹Bakung, Dolot Alhasni. (2020) Determinasi Perlindungan Hukum Pemegang Hak Atas Neighboring Right. JALREV 2 (1), 67

develop in society and are flexible and encourage creativity in providing public services.⁶⁰

Between BPN Kota Gorontalo, PTUN Gorontalo, and the applicant / respondent must harmonize their rights and obligations as interested parties in the case of the cancellation of land rights. Because, in addition to the fact that there is an order in the formulation of norms about how accountability should be done, everyone who becomes the applicant / respondent and bpn of Gorontalo City must be well aware of what is his right and obligation for the realization of protection and guarantee of rights to each party in the dispute about land inheritance.

III. Conclusion

The existence of 2 (two) types of cancellation mechanisms for land ownership rights certificates has indeed been regulated by the provisions of the laws and regulations, especially Agrarian Candy / BPN 9/1999 which confirms that cancellation can be done with the application for cancellation by the applicant; The second is to make a court ruling. Civil liability by the GORONTALO City BPN against the certificates that are legalized by PTUN Gorontalo, carried out by BPN Kota Gorontalo by implementing the first level PTUN verdict, appeal, to the *inkrah*cassation, and issuing a Decree (SK) cancellation of land rights certificates.

IV. Suggestion

In the implementation of the duties on land certificates declared void by PTUN, BPN Kota Gorontalo must prepare all potential and resources, and need to conduct an analysis to carry out the verdict as a form of responsibility for land rights certificates declared void, without having to be requested by the applicant back to the GORONTALO City BPN.

⁶⁰ Norma L.P. Wemben. (2010). "Kinerja Pelayanan Pada Kantor Badan Pertanahan Nasional Kabupaten Gorontalo." Jurnal Legalitas 3 (2), 131

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