



The Mechanism of Land Rights Transfer in the Case of Name Discrepancies Between Administrative Documents and Land Ownership Certificates

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Abstract: Land ownership represents a fundamental aspect of agrarian law in Indonesia, yet discrepancies between names listed in administrative documents and land certificates create significant legal uncertainties that can undermine property rights and generate disputes. This research aims to identify the mechanism for transferring land rights when such discrepancies occur and to assess the legal status of the land ownership in these cases. The study employed a normative legal method with a statute approach, analyzing primary legal materials including Law No. 5 of 1960 (UUPA), Government Regulation No. 24 of 1997, and related regulations, supported by secondary sources. The findings show that the settlement process involves coordination among government agencies, starting from problem identification at the sub-district level, clarification at the Population and Civil Registration Office (Dukcapil), and resolution at the National Land Agency (BPN). Name discrepancies caused by typographical or administrative errors do not affect the validity of ownership, whereas discrepancies due to unregistered transfers result in legal uncertainty and potential disputes. The study concludes that ensuring clarity in land certificates is crucial to achieving legal certainty, preventing disputes, and protecting certificate holders, highlighting the importance of mandatory registration of all transfers within 30 days.

Keywords: land certificates; land ownership; land registration; legal certainty; name discrepancies.

1. Introduction

Land ownership is a fundamental aspect of agrarian law in Indonesia, considering that land has a very high economic value, social value that plays a role in people's lives, and legal value that determines the validity and clarity of ownership rights of a person or a legal entity over certain land. In order to ensure legal certainty for land owners, the government through the National Land Agency (BPN) issues land title certificates that serve as proof of legal ownership and are legally recognized, in accordance with the provisions stipulated in Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA). In this law, land ownership must not only have a clear legal basis, but must also be administratively recorded in the land registration system to avoid disputes that could harm the legal owner, heirs, or other parties interested in the transaction or use of the land (Andrianto, 2020).

In practice, quite complex problems are often encountered where there are differences between the name listed on a person's population documents, such as the Resident Identity Card (KTP), Family Card (KK), and Death Certificate, and the name listed on the land title certificate they own. These data differences can be caused by various factors, both administrative and local customs and cultural factors that also

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influence the recording of a person's identity. Administrative errors often occur due to inaccuracy on the part of civil registration officers in inputting data or due to negligence in the process of creating official documents that cause the landowner's name to not match between one document and another. In addition, spelling changes that occur with the development of the language can also be a major cause, such as the change from the old spelling system to the new spelling in Indonesian, for example from "oe" to "u" or from "tj" to "c", which cause a person's name to be written differently on land documents and population documents (Syahputra & Alvindi, 2022).

In addition to administrative aspects and spelling changes, cultural factors and local customs also influence variations in the spelling of a person's name in official documents. In some regions in Indonesia, individuals often have more than one name used in daily life, whether it be a nickname, a family name, or a traditional name that is not always officially recorded in state documents. These name differences can lead to discrepancies between population documents and land certificates, especially if the landowner is known by a name different from the one listed on the certificate. Furthermore, transliterating names is also a challenge, particularly for individuals with names containing foreign elements or for those from regions that use traditional scripts that are then translated into Latin script with non-uniform variations, resulting in differences in name spelling across documents (Syahputra & Alvindi, 2022).

This problem has very serious legal implications, especially in terms of legal certainty regarding land ownership, which should be absolute and non-disputable. Land with inconsistent ownership data often faces various obstacles in the legal transaction process, whether in terms of sale and purchase, inheritance, or other transfer of rights. One of the obstacles that often occurs is difficulty in the land purchase process, where differences in names between population documents and land certificates can create uncertainty for prospective buyers, which ultimately hinders the legalization process of the transaction and creates significant legal risks for both parties. In addition, differences in names can also be a major obstacle in the inheritance process, especially if the heirs have difficulty proving their legal relationship with the land owner whose name is listed on the certificate, thus potentially giving rise to disputes between heirs or with other parties interested in the land (Amini, Pentingnya Pendaftaran Tanah: Perspektif Teori Kepastian Hukum, 2022).

Other issues arise in the process of transferring land rights or submitting applications for changing the name of land ownership, where document discrepancies can lead to a longer, more complicated administrative process, and require significant additional costs for landowners or heirs seeking to resolve this issue. In certain cases, differences in names in land ownership documents can trigger protracted legal disputes, especially if another party unilaterally claims rights to the land using legally unexplained data discrepancies. In worse cases, these disputes can lead to lengthy legal proceedings, taking years, and potentially causing material and immaterial losses to the legitimate landowner and their heirs (Aqila, 2023).

The issue of name discrepancies also raises questions of justice for vulnerable groups, such as indigenous communities whose land ownership is often based on customary law and unwritten traditions, and heirs who may lack formal documents due

to historical, geographical, or socio-economic limitations. These groups face greater challenges in proving their ownership rights, increasing the risk of losing access to their land and being excluded from legal protection.

For overcome this problem, it is necessary analysis in -depth and comprehensive law use understand how far is the difference Name in certificate right on land can influence validity ownership land, as well as for identify steps laws that can taken in finish constraint administrative said. One of the approaches that can done is through mechanism improvement of population and land data in agencies related, such as the Population and Civil Registration Service Civil Service (Disdukcapil) and the National Land Agency (BPN), with supported by documents additional that can be clarify identity owner land, such as deed birth, letter information expert inheritance, letter statement from expert inheritance certified by a notary, or even decision the court that determined validity identity somebody in ownership land (Usman, 2020). Therefore Therefore, this research aims to for analyze impact the law that arises consequence difference Name in certificate right on land to certainty law ownership land, as well as study various solution laws that can implemented by the government and society use avoid as well as finish problems that arise consequence mismatch Name in document population and certificates land. In addition, this study will also include a brief comparative analysis of how other countries with similar land registration systems, such as Malaysia and Singapore, handle name discrepancies in land ownership documents, to identify best practices that may be adopted in the Indonesian context. With existence this research, it is hoped can found effective and efficient solutions in ensure certainty law for owner land in Indonesia, so that can reduce potential dispute as well as increase efficiency in system administration land in the future (Ariyanto, Ardiansyah, & Kadaryanto, 2023).

2. Materials and Methods

This study applied a normative legal method with a statute approach, supported by empirical data in the form of official documents (Muhaimin, 2020). The normative method focuses on analyzing legal norms, doctrines, and regulations related to land rights transfers in cases of name discrepancies between personal documents and land certificates (Nugroho, Haryani, & Farkhani, 2020). The statute approach relies on core legislation such as Law No. 5 of 1960 (UUPA), Law no. 24 of 2013 on Population Administration, and Government Regulation No. 18 of 2021 on Land Registration (Indriyani & Nurhayati, 2020).

Data were collected through library research, examining primary legal materials (laws and regulations) and secondary sources (journals, books, and official documents such as KTP, KK, birth certificates, and land titles) (Absor & Mubarrak, 2023). This method allowed a structured legal analysis of identity mismatches in land ownership records (Rachmawati & Widodo, 2023).

The data were analyzed descriptively to objectively present the legal issues and potential solutions without normative bias. No datasets, software, or human/animal participants were involved in this research; thus, no ethical approval was required In summary, this research utilized normative legal data from statutory regulations and related legal literature, collected through systematic library research, and analyzed using a descriptive approach to clearly map the legal framework, identify key issues, and propose practical solutions to name discrepancies in land ownership records (Nugroho, Haryani, & Farkhani, 2020).

3. Results and Discussion

3.1. Mechanism for Transfer of Land Rights in Case of Differences in Names on Administrative Documents and Certificates

The mechanism for transferring land rights in the event of a difference in names on administrative documents and certificates is regulated in the Indonesian land law system through several main laws and regulations, namely Law No. 5 of 1960 concerning the Basic Agrarian Law as the basic foundation, Government Regulation No. 24 of 1997 concerning Land Registration, Regulation of the Minister of ATR/BPN No. 3 of 2019 concerning One-Stop Integrated Services, Law No. 23 of 2006 concerning Population Administration, and Regulation of the Minister of Home Affairs No. 108 of 2019. This system is designed to provide legal certainty in the process of transferring land rights by involving coordination between government agencies in a hierarchical and systematic manner. Mismatched names in land documents can occur due to various factors. This condition creates legal uncertainty for land rights holders and can lead to disputes in the future. Therefore, the National Land Agency (BPN) as the authorized institution in the land sector has established certain procedures and mechanisms to address these problems, while still paying attention to the principles of legal certainty and protection of legitimate rights.

Mechanism transition settlement difference Name in document land in essence involves a process of verification and clarification identity holder right through a series procedure strict administrative procedures. Stages the covering namely: (Masriani, 2022)

a. Problem identification stages at the sub-district level

In the mechanism of transferring land rights when there are differences in names on administrative documents and certificates at the sub-district level, it is the first gateway that is very crucial in the entire process of resolving the problem. The sub-district has a strategic role as the spearhead of public services that directly deal with the community, and in this context functions as an initial filter to identify and document problems of name discrepancies before being continued to higher institutions. Based on Law No. 23 of 2014 concerning Regional Government and Regulation of the Minister of Home Affairs No. 108 of 2019 concerning Villages and Sub-districts, the sub-district has the authority to issue certificates and verify first-level population documents (Aliyah, 2021).

The process begins when the applicant comes to the sub-district office with complete required documents which include: (a) Original land certificate as the main document; (b) Applicant's valid Resident Identity Card (KTP); (c) Family Card to verify family relationships; (d) birth certificate as an initial identity document; (e) other supporting documents such as marriage certificate if any.

Name changes due to marriage, educational certificates to cross-check names, certificates from the local RT/RW, and other documents relevant to the problem of name differences.

Sub-district officials, particularly those in the government or public service division, will conduct an initial check of the completeness of the documents and cross-verify the name listed on the land certificate with the name listed on the applicant's identity

document (Aliyah, 2021). After verifying the documents, the sub-district officials will identify the type of name discrepancy, whether it is a spelling difference (for example, the use of the letters "i" and "y"), a difference in the use of a title or title, a difference between the full name and a nickname, or a more substantial difference. The officials will then conduct an interview with the applicant to gather more in-depth information about the name history, the reasons for the discrepancy, and gather statements from witnesses who know the applicant's identity. This interview process is important to build the officers' confidence in the validity of the applicant's identity and its relationship to the name listed on the land certificate.

Based on the verification and interview results, the sub-district officer will prepare a report on the name discrepancy, detailing the chronology of the problem, the discrepancies found, the interview results, and preliminary conclusions regarding the applicant's identity status. This report is a very important official document because it will serve as the basis for subsequent agencies to conduct further research. In addition to the report, the sub-district will also issue a letter of confirmation of the name discrepancy signed by the sub-district head or a designated official, stating that a discrepancy has been found between the administrative document and the land certificate and recommending further clarification with the Civil Registration Department (Marsono, 2021).

During the process of preparing the minutes and certificates, sub-district officials will also consult with local village or urban village officials to obtain confirmation of the applicant's identity from the perspective of the local community. This is important considering that in the Indonesian administrative system, identifying a person's identity often still relies on local knowledge, especially in cases involving old documents or inherited inheritance. The procedure for processing the transfer of land certificate ownership must go through at least several stages, referring to Government Regulation Number 24 of 1997 concerning Land Registration, namely Article 37, where the sub-district plays a crucial role in the initial stages of document verification.

b. Clarification Stage at Dukcapil (Population and Civil Registration Service)

The Dukcapil (Population and Civil Registration Agency) stage in the land rights transfer mechanism when there are differences in names on administrative documents and certificates is a very crucial and strategic stage because this agency has full authority in managing and verifying national population data. The Directorate General of Population and Civil Registration or abbreviated as Ditjen Dukcapil is the implementing element of the Ministry of Home Affairs in the field of population and civil registration, so it has direct access to all Indonesian population databases which are the main key in the process of clarifying the applicant's identity (Ramadhani, 2021).

After the applicant receives a certificate from the sub-district office, the next step is to seek clarification at the Civil Registration Office (Dukcapil), bringing complete documents including the certificate from the sub-district office, original land certificate, ID card, family card, birth certificate, and other supporting documents. Dukcapil officers will conduct a search of the applicant's historical data through a nationally integrated electronic population database system, where they can access the applicant's

entire civil registration history, from birth certificates, name changes, marriages, divorces, to deaths. This search process is very comprehensive because Dukcapil has access to data that other agencies do not have, including historical data that may be decades old.

In conducting identity verification, Dukcapil officers will cross-check various population documents using the Population Identification Number (NIK) as the primary search key. They will check the consistency of data on birth certificates, marriage certificates, divorce certificates, and other population documents to determine whether the different names refer to the same person or different individuals. The Ministry of Home Affairs (Kemendagri) issued new regulations regarding name recording on population documents through Permendagri No. 73 of 2022, which provides guidelines for standardizing name recording to prevent future name discrepancies (Administrator, 2020). The clarification process at Dukcapil also involves investigating the possibility of official name changes through court orders or other administrative processes. Officers will check whether there has been a court order changing the applicant's name, or whether there were administrative errors in the name recording on previous documents. In this case, Dukcapil will coordinate with relevant agencies such as the district court or the agency that previously issued the document with the different name to obtain further confirmation and clarification.

Based on the results of the research and verification, Dukcapil will issue a different certificate according to the findings obtained. Through this letter, the applicant legally states that the different names are his/hers if it is proven that the different names refer to the same person. In this case, Dukcapil will issue a "Name/Identity Sameness Certificate" or "Name Difference Certificate" stating that the different names belong to the same person by including the NIK as a single identity (Purnama, 2024). If it is found that there has been an official name change, Dukcapil will issue a "Name Change Certificate" containing information about the old and new names along with the legal basis for the change, such as a court order or a marriage certificate that changed the name. However, if after in-depth research no supporting data is found or there is doubt about the applicant's identity, Dukcapil will issue a "Data Not Found Certificate" explaining that based on the existing population database, the relationship between the different names cannot be ascertained.

In addition to document review, Dukcapil officers will also conduct in-depth interviews with applicants to gather more detailed information regarding the name history, reasons for discrepancies, and the chronology of name changes, if any. These interviews are crucial for establishing officers' confidence in the veracity of the applicant's claims and for identifying potential identity fraud or fraud. In complex cases, Dukcapil may also request information from witnesses familiar with the applicant's identity or coordinate with other agencies that have issued documents in the applicant's name. This Dukcapil process takes approximately 7-14 business days, depending on the complexity of the case and the completeness of the data available in the database, and is free of charge.

c. Settlement Stage at BPN

Based on PP 24 of 1997 and PMNA/Head of BPN Number 3 of 1997. There are two possible improvement efforts that can be made, namely: (Ramadhani, 2021).

d. Name Change Mechanism

The procedure for registering changes in the name of the land rights holder has been comprehensively regulated in laws and regulations, particularly through the provisions of Article 56 of Government Regulation Number 24 of 1997 which is linked to Article 129 paragraph (1) of the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 3 of 1997. In Article 56 of PP 24/1997 it is explained that if there is a change in the identity of the rights holder due to a change of name, then the registration of the data change is carried out by recording it in the land book and land rights certificate or ownership rights for the relevant apartment unit, with the condition that it must be accompanied by valid evidence regarding the change in the name of the rights holder in accordance with applicable provisions. Meanwhile, Article 129 paragraph (1) of PMNA/Ka.BPN 3/1997 stipulates that an application to register a change in the name of the rights holder due to a change of name must be submitted by the interested party accompanied by attaching evidence documents that show the existence of the change in name in accordance with applicable legal provisions.

e. Replacement Certificate Issuance Mechanism

This mechanism is regulated based on Article 57 paragraph (1) of PP 24 of 1997 in conjunction with Article 137 paragraph (1) of PMNA/Ka.BPN 3 of 1997. Article 57 paragraph (1) of PP 24 of 1997 states that still using certificate forms that are no longer valid, or that are not submitted to the auction winner in the execution auction process. Furthermore, the provisions of Article 137 paragraph (1) of PMNA/Ka.BPN 3 of 1997 emphasize that an application to issue a replacement certificate can be submitted by the interested party in the event that the certificate is damaged or still uses the old certificate form, with the requirement to attach the original certificate or the remaining certificate in question (Ramadhani, 2021).

The BPN (National Land Agency) stage in the mechanism of transferring land rights when there are differences in names on administrative documents and certificates is the final and most decisive stage in the entire process, because BPN as an institution that has the sole authority in organizing land registration in Indonesia has the authority to determine the validity of the transfer of land rights and issue new certificates. Based on PP No. 24 of 1997 concerning Land Registration, BPN has operational functions in implementing *land reform*, land ownership regulations, and land services which include surveys, measurements, mapping, land registration, and maintenance of land registration data (Palantung, 2021).

After the applicant receives a certificate from the Civil Registration Agency (Dukcapil), the next step is to submit an application to the Land Office, bringing complete documents including a certificate from the sub-district, a certificate from the Civil Registration Agency (Dukcapil), the original land certificate, and other supporting

documents. BPN officers will conduct a very comprehensive and in-depth legal research, where they verify the history of land ownership by searching land books, deed documents, and land databases held by the BPN. After the review or research, BPN officers will make an announcement of the relevant legal data of the land at the local village or sub-district office. The purpose of announcing the legal data is to ensure that there are no claims or objections related to the land rights application from other parties.

The legal research process at the National Land Agency (BPN) involves several important stages, starting with an examination of the land register, an authentic document containing the legal and physical data of a registered plot of land. Officers will check the consistency of the data between the name listed in the land register and the name on the certificate, and compare it with the documents submitted by the applicant. Next, an examination of the certificates, the physical documents that form the basis for issuing the certificate, including the deed of sale, the decree granting rights, or other documents that form the basis for the land title, is conducted (Guntur, 2020).

In this case, the BPN also plays a role in supervision related to the existence of PPATS carried out by the Sub-district Heads as public officials, so that in cases of differences in names, the BPN will coordinate with various parties including the PPAT (Land Deed Making Official) who has made the deed of transfer of rights to the land to obtain clarification regarding the identity of the parties involved in the previous transaction (Yulianto, 2024).

Based on the results of the legal research, the National Land Agency (BPN) will determine the appropriate resolution mechanism according to the findings obtained. If the research shows that the name difference is only a typo or administrative error, then the certificate will be corrected based on Article 36 of Government Regulation No. 24 of 1997 which regulates the correction of technical administrative errors. In this case, the BPN will issue a replacement certificate with the correct name without changing the substance of the land rights, and this process does not require a name change because the rights holder remains the same (Yulianto, 2024).

However, if the results of the legal research indicate that there has been a real transfer of rights from one party to another, then a name change process will be carried out in accordance with Article 37-40 of PP No. 24 of 1997. This name change process involves the issuance of a new certificate in the name of the legitimate rights holder, payment of Land and Building Acquisition Fee (BPHTB), and administrative fees in accordance with PP No. 13 of 2010 concerning Types and Tariffs for Types of Non-Tax State Revenue applicable to the BPN. In the context of legal research, the BPN will also conduct an analysis of the possibility of legal or administrative defects in the issuance of the previous certificate (Ramadhani, 2021).

The process at the National Land Agency (BPN) takes approximately 15-30 business days, depending on the complexity of the case. In cases involving complex name differences, the BPN can coordinate with other agencies, such as the courts, police, or other relevant institutions, to obtain additional information. Fees vary depending on the type of service provided, ranging from certificate correction fees to name transfer fees, in accordance with applicable PNPB rates.

The final result of the BPN process is the issuance of a revised land certificate or a new certificate that reflects the actual conditions. Certificates issued by the BPN are legally binding and constitute valid proof of ownership. This entire process must be properly documented in the BPN database system and become part of the national land record, accessible for future verification purposes (Ramadhani, 2021).

Apart from the things above, there are also alternative solutions to this problem, namely:

a. Lawsuit to the State Administrative Court

If administrative efforts through the BPN are unsuccessful or the correction application is rejected, the rights holder can file a lawsuit with the State Administrative Court. This lawsuit is intended to request the annulment of the BPN's decision to reject the name correction application. In this process, the plaintiff must be able to prove that the BPN's decision is contrary to applicable laws and regulations, is not based on correct facts, or contains elements of abuse of authority. The court will assess the legality and procedural aspects of the BPN's decision. The process at the PTUN requires thorough preparation because it will have to face the BPN as the defendant, and requires the assistance of legal counsel experienced in state administrative disputes.

b. Civil Lawsuit in District Court

If the issue of the difference in name involves a dispute over ownership or rights to the land with another party, a civil lawsuit can be filed with the District Court. This lawsuit is usually necessary when a third party disputes land ownership due to the difference in name, or when there is a claim from another party claiming to be the rightful owner. In this civil process, the plaintiff must be able to prove a valid legal relationship between themselves and the land in question, as well as prove that the difference in name does not reduce their rights to the land. The court will assess the civil aspects of the dispute, including proof of ownership, history of transfer of rights, and other supporting documents (Irwanda, 2023).

c. Mediation and Alternative Dispute Resolution

Mediation is a more effective and efficient dispute resolution method than court proceedings. The National Land Agency (BPN) provides land mediation services to resolve disputes involving differences in names or other land disputes. This mediation process is facilitated by experienced mediators in the land sector and involves all interested parties. The advantages of mediation include a faster process, lower costs, and a more acceptable outcome for all parties because it is achieved through mutual agreement. In addition to BPN mediation, you can also use the services of an accredited private mediation institution or an arbitration institution that specifically handles land disputes.

3.2. Legal Status of Land Ownership If There is a Difference in Name on Administrative Documents and Land Title Certificates

Before discussing the legal status of land ownership, it is important to know that a land certificate is a document that serves as proof of ownership that includes two types

of important information: (Heryanti, 2024) physical data and legal data. Physical data contains information about the position, boundaries, and size of the land, while legal data includes the legal condition of the land and the registered residential unit, the name of the right owner, and other parties who have claims to the land (Heryanti, 2024).

The legal aspect relates to the legality of the land, which includes certainty of the legal status of the registered land, ownership history and method of land acquisition, as well as certainty regarding the subject of rights including personal data, residence, citizenship, and other parties along with the obligations attached to them. If there is an error in the name in the Land Ownership Certificate, this is contrary to the provisions of Article 32 of the Government Regulation on Land Registration regarding legal data. Incomplete legal data in the certificate results in the lack of legal certainty for the certificate owner and the failure to achieve the objectives of land registration in the aspect of legal substance, especially those related to the identity of the certificate owner.

Furthermore, when name differences occur due to typographical errors or administrative errors (e.g., misspellings, use of nicknames versus full names, or typos), the legal status of land ownership remains valid and unchanged. A SHM is the strongest and most valid proof of land or property ownership. The certificate states that the certificate holder has full ownership rights to the land or property (Gayatri, 2021).

Another issue is when the name difference results from an unregistered transfer of rights. This occurs when there has been a factual change in land ownership through various transfer mechanisms (sale, gift, inheritance, exchange, or company investment), but the change has not been officially recorded in the land registration system at the National Land Agency (BPN). This situation results in a discrepancy between the actual owner (who actually controls and uses the land) and the formal legal owner (whose name is listed on the land certificate) (Taolin, 2024).

This situation differs from an administrative error because it involves a genuine change in legal subject matter, where land rights have been transferred from the previous owner to the new owner, but this change has not yet received formal recognition from the state through the land registration system. The transfer of land rights in Indonesia, under Law No. 5 of 1960 concerning the Basic Agrarian Law, is part of the maintenance of land registration data as a continuation of the initial land registration activity.

Therefore, the legal status of land ownership in a transitional state that has not been registered is very complex and contains a high potential for legal uncertainty. The legal consequences of the transfer of ownership rights to land due to a sale and purchase whose transfer has not been registered are valid if it has fulfilled the material requirements of a sale and purchase conducted under customary law, namely fulfilling the real, clear and cash requirements. However, on the other hand, it also gives rise to other legal consequences. From a material legal aspect, the transfer of rights can be considered valid if it has fulfilled the substantive requirements stipulated in customary law and positive law. The legal consequences of the transfer of rights to land due to a sale and purchase of land that has not been registered are valid if it has fulfilled the real, clear and cash requirements in practice, however, from a formal legal aspect, the transfer

does not have perfect legal force because it has not been recorded in the state land registration system. (Taolin, 2024).

Therefore, it is mandatory to register land based on Government Regulation Number 24 of 1997 in Article 37 paragraph (1) which states that the transfer of land rights through sale and purchase, exchange, gift, income in a company and other legal acts of transferring rights, except for the transfer of rights through auction, can only be registered if proven by a deed made by an authorized PPAT (Amini, *Pentingnya Pendaftaran tanah: Persepektif Teori Kepastian Hukum*, 2022).

Failure to register a transfer of rights within the specified timeframe can result in various legal consequences. Article 40 of Government Regulation No. 24 of 1997 stipulates the obligation to register a transfer of rights within 30 days of the signing of the deed of transfer. Late registration may result in administrative sanctions in the form of fines or even rejection of registration if the deadline is exceeded (Famaldiana, 2022).

In addition, for previous owners whose names are still listed on the certificate, this condition also carries risks because formally they are still responsible for all obligations attached to the land, including payment of Land and Building Tax (PBB), obligations to creditors if the land was once used as collateral, or other legal responsibilities related to the land ownership status.

For new, unregistered owners, the legal risks are significantly greater. Heirs, as land rights holders, are denied legal certainty. Heirs whose land rights are transferred due to inheritance not being registered with the land office demonstrate that the lack of formal registration eliminates the guarantee of legal certainty. New owners face the risk of their rights not being recognized in transactions with third parties, difficulties in using the land as collateral for credit, the inability to conduct subsequent sales transactions, and most dangerously, the possibility of the previous owner engaging in double transactions with other parties because they are still formally registered as the owner (Famaldiana, 2022).

Therefore, clarity of legal status on land certificates is the main key to achieving legal certainty. This is to provide legal certainty and legal protection to rights holders of land plots, apartment units, and other registered rights so that they can easily prove themselves as the rights holders (M.Syuib, 2022). Without clarity of legal status, land certificates will lose their function as an effective legal protection instrument for rights holders. One of the most important benefits of clarity of legal status on certificates is their ability to prevent land disputes and conflicts. Land disputes and conflicts that occur are caused, among other things, by the lack of legal certainty. This condition is a latent effect of problems in the issuance of unclear or legally flawed land documents.

When there are differences in names or unclear identities of rights holders on certificates, this can become a potential source of future conflict. Parties who believe they have rights or interests in the land may file claims based on this uncertainty, which can ultimately lead to protracted disputes and harm all parties involved.

Clarity of legal status is also crucial to prevent fraudulent practices or land embezzlement, which often exploit loopholes in land documents. With a clear and unambiguous legal status, it will be difficult for unauthorized parties to make false claims or illegal transactions regarding the land.

4. Conclusions

The research concluded that the mechanism for transferring land rights in the event of a difference in names on administrative documents and certificates in Indonesia follows a tiered system involving systematic coordination between government agencies. The process begins with the problem identification stage at the sub-district level, which acts as an initial filter to verify documents and issue minutes of name differences. This process continues with the clarification stage at the Population and Civil Registration Office (Dukcapil), which conducts historical data searches through the national population database to issue certificates of name similarity or name changes. Finally, it ends with the resolution stage at the National Land Agency (BPN), which conducts comprehensive legal research to determine whether to correct the certificate or change the name. All of these mechanisms are regulated by Law No. 5 of 1960 concerning UUPA, PP No. 24 of 1997 concerning Land Registration, and other derivative regulations, with alternative resolutions through lawsuits to the State Administrative Court, civil lawsuits at the District Court, or land mediation if administrative efforts are unsuccessful. Therefore, this system is designed to provide legal certainty and protection of legitimate rights for land rights holders.

Furthermore, it can also be concluded that the legal status of land ownership with different names on the certificate is very dependent on the cause of the difference, where if the difference in name is caused by a typo or administrative error such as misspelling or use of a nickname, then the legal status of land ownership remains valid and does not change because it only involves technical administrative aspects without changing the substance of ownership. However, if the difference in name occurs due to a transfer of rights that has not been registered, then the legal status of ownership becomes complex and contains the potential for high legal uncertainty, where materially the transfer can be considered valid if it meets the real, clear, and cash requirements according to customary law, but formally it does not have full legal force because it has not been recorded in the state land registration system, thus creating legal risks for the old owner who is still responsible for land obligations and the new owner who does not receive legal certainty and has the potential to face disputes in the future. In this context, the failure to record name changes also has significant implications for the legal responsibilities of both parties. For the legal owner whose name remains on the certificate, they may still be held liable for obligations such as paying Land and Building Tax (PBB), settling debts if the land has been used as collateral, or being involved in legal disputes arising from the land. For the actual owner, the absence of formal registration limits their legal standing, making it difficult to prove ownership in court, use the land as collateral, or protect their rights in case of disputes, and increasing the risk of the legal owner conducting double transactions with third parties. Therefore, clarity of legal status on land certificates is the main key in realizing legal certainty, preventing land disputes, and protecting the rights of certificate holders from fraudulent practices or land embezzlement, so that every transfer of rights must be registered in accordance with Article 37 paragraph (1) of PP No. 24 of 1997 within 30 days to obtain perfect legal protection. As a long-term solution, it is necessary to strengthen

inter-agency coordination between the sub-district, Dukcapil, and BPN through the formulation of clear technical regulations. These regulations should include, among others: (1) the establishment of a shared digital database that integrates population data, land registration data, and administrative records to minimize discrepancies; (2) the creation of a fixed Standard Operating Procedure (SOP) for handling name discrepancies, from initial identification to final resolution, that is binding on all agencies involved; and (3) the appointment of liaison officers or coordination units at each agency specifically tasked with facilitating and monitoring cross-agency communication. By implementing these measures in technical regulations, the process of resolving name discrepancies can be faster, more transparent, and capable of providing stronger legal certainty for land rights holders.

References

- Absor, M. U., & Mubarrak, M. Z. (2023). Urgensi Pemidahan Ibu Kota Negara Indonesia dalam Perspektif Hukum dan Ekonomis Sosial. *Adijaya Journal Multidisiplin*, 1055.
- Administrator. (2020, September 17). Mengurus Sertifikat Tanah.
- Aliyah, M. (2021). Pelaksanaan Pendaftaran Peralihan Hak Atas Tanah Bekas Adat Yang Belum Bersertifikat (Studi Di Desa Ambit Kecamatan Waled Kabupaten Cirebon). *Indonesian law Reform Journal*, 168.
- Amini, S. (2022). Pentingnya Pendaftaran tanah: Persepektif Teori Kepastian Hukum. *Jurnal Hukum dan Kenotariatan*, 1334.
- Amini, S. (2022). Pentingnya Pendaftaran Tanah: Perspektif Teori Kepastian Hukum. *Jurnal Hukum Dan Kenotariatan*, 1326-1340.
- Andrianto, F. (2020). Kepastian Hukum Dalam Politik Hukum Di Indonesia. *Administrative Law and Governance Journal*, 3(1), 114-23.
- Aqila, R. M. (2023). Permasalahan Hukum Terhadap Pelaksanaan Peralihan Hak Atas Tanah Secara Adat. *UNJA Journal of Legal Studies*, 217-235.
- Ariyanto, H., Ardiansyah, A., & Kadaryanto, B. (2023). Kepastian Hukum Pengelolaan Kawasan Konservasi Di Indonesia. *Legalitas: Jurnal Hukum*.
- Famaldiana, L. M. (2022). Implikasi Hukum Keterlambatan Pendaftaran Akta Perlaihan Hak Atas Tanah (Studi di Kantor Pertanahan Kabupaten Bima). *Jurnal Ius*, 507.
- Gayatri, N. M. (2021). Pembatalan Sertifikat Hak Milik Atas Tanah Akibat Cacat Administrasi. *Jurnal Analogi Hukum*, 82.
- Guntur, I. G. (2020). *Pendaftaran Tanah Sistematis Lengkap: Proses dan Evaluasi Program Prioritas*. Yogyakarta: STPN Press.
- Heryanti. (2024). Perlindungan Hukum Terhadap Sertipikat Hak Milik Atas Tanah Akibat Cacat Administrasi. *Halu Oleo Legal Research*, 260.
- Indriyani, & Nurhayati. (2020). Analisis Terhadap Mekanisme Perbaikan Sertifikat Tanah yang Mengalami Kesalahan Identitas. *Jurnal Hukum dan Pembangunan*, 742-760.
- Irwanda. (2023). Sengketa Hak Atas Tanah Yang Tidak Mempunyai Bukti Kepemilikan Hak Atas Tanah. *Alauddin Law Development Journal*, 440.
- M.Syuib. (2022). Hambatan BPN Kota Banda Aceh Dalam Pendaftaran Tanah Milik Di Gampong Deah Raya Kecamatan Syiah Kuala. *Jurnal Ilmu Hukum, Perundang-Undangan*, 463.
- Marsono. (2021, Februari 23). Prosedur dan Biaya Balik Nama Sertifikat Tanah di BPN Terbaru. Gunung Kidul, Daerah Istimewa Yogyakarta.
- Masriani, Y. T. (2022). Pentingnya Kepemilikan Sertifikat Tanah Melalui Pendaftaran Tanah Sebagai Bukti Hak. *Jurnal USM Law Review*, 546.
- Muhaimin. (2020). *Metode Penelitian Hukum*. Mataram: Mataram University Press.
- Nugroho, S. S., Haryani, A. T., & Farkhani. (2020). *Metodologi Riset Hukum*. Surakarta: Oase Pustaka.

- Palantung, R. S. (2021). Prosedur Penerbitan Sertifikat Hak Milik Atas Tanah Melalui Jual Beli Menurut Peraturan Pemerintah Nomor 24 Tahun 1997. *Journal Lex Privatum*, 100.
- Purnama, D. (2024). The Role of The National Land Agency in Preventing and Setting Land Disputes in Indonesia. *Journal Of Law, Politic and Humanities*, 946.
- Rachmawati, & Widodo. (2023). Implikasi Hukum Perbedaan Nama Dalam Sertifikat Hak Milik Terhadap Kepastian Hukum. *Jurnal Hukum Positum*, 45-49.
- Ramadhani, R. (2021). Pendaftaran Tanah Sebagai Langkah Untuk Mendapatkan Kepastian Hukum Terhadap Hak Atas Tanah. *Jurnal Sosial dan Hukum*, 93.
- Syahputra, E., & Alvindi, A. (2022). Berlakunya Perubahan Ejaan Yang Disempurnakan (EYD) Menjadi Pedoman Umum Ejaan Bahasa Indonesia (PUEBI). *Mahaguru: Jurnal Pendidikan Guru Sekolah Dasar*.
- Taolin, F. T. (2024). Kesadaran Masyarakat Dalam Pendaftaran Perlahan Hak Atas Tanah. *Jurnal Tunas Agraria*, 74.
- Usman, A. H. (2020). PERLINDUNGAN HUKUM HAK MILIK ATAS TANAH ADAT SETELAH BERLAKUNYA UNDANG-UNDANG POKOK AGRARIA. *Jurnal Kepastian Hukum Dan Keadilan*.
- Yulianto, A. R. (2024). Peran Kantor Pertanahan Dalam Pengawasan Pembuatan Akta Tanah Oleh Pejabat Pembuat Akta Tanah Sementara di Kabupaten Banyumas'. 79.