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Evidentiary Strength of Land Ownership Certificates: An Analysis of Judicial Considerations in Supreme Court Decision Number 3762 K/Pdt/2022

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ABSTRACT

*The Land Ownership Certificate, as a manifestation of formal legal certainty, often clashes with substantive justice, particularly when its acquisition process is based on an unlawful act. This fundamental problem is central to Supreme Court Decision Number 3762 K/Pdt/2022. The decision contrasts a claim based on hereditary rights and physical possession with ownership based on a certificate originating from a juridically flawed transaction. This research aims to critically evaluate the appropriateness of the Supreme Court's considerations in that decision. Using a normative juridical method enriched by critical discourse analysis and John Rawls's theory of justice, this study deconstructs the paradigmatic dialectic between the *judex factie* and the *judex juris*. The analysis reveals that the decisions of the *judex factie* (District Court and High Court) tended to adopt a progressive approach by prioritizing material truth. In contrast, the Supreme Court applied a rigid legal positivism paradigm, protecting the certificate's formal validity without conducting a substantial validity test of its acquisition process. It is concluded that while doctrinally justifiable, the Supreme Court's decision is fundamentally unjust. It sacrifices the rights of the heir as the most vulnerable or least advantaged party and implicitly legitimizes the outcome of an illegality. This decision sets a dangerous precedent that reduces legal certainty to mere procedural formality and negates the law's objective of achieving substantive justice in agrarian disputes.*

Keywords: *Formal Legal Certainty; Land Ownership Certificate; Substantive Justice; Supreme Court Decision; Unlawful Act.*

INTRODUCTION

Land, as a social, economic, and legal entity, plays a fundamental role in the societal structure of Indonesia. Its strategic position is not only as a living space and a factor of production but also as a high-value investment asset (Syam & Muzakkir, 2022). It makes it an object susceptible to disputes (Lay et al., 2024). Population growth and the intensity of economic activities linearly increase the demand for land, implicating massive transfers and utilization of rights. These dynamics present complex challenges in land administration, particularly in guaranteeing protection and legal certainty over ownership rights (Sudibyanung et al., 2020). This complexity often culminates in agrarian conflicts, which are characterized by overlapping ownership claims that demand judicial resolutions that are not only procedurally but also substantively just.

To realize such legal certainty, the state, through Law Number 5 of 1960, has established land registration as the primary pillar of the national land law system (Nuraini & Yunanto, 2023). The Land Ownership Certificate, as the final product of the registration process, is designed as a strong and final instrument of proof for ownership (Putri & Silviana, 2022). In practice, however, the ideal of legal certainty represented by the certificate often clashes with the reality of physical possession based on informal titles, such as hereditary succession (Salam, 2023). This clash between the formal legality of a certificate and the socio-historical legitimacy of physical possession becomes the epicenter of many land disputes. These disputes ultimately test the judiciary's ability to balance legal certainty with substantive justice (Abdullah & Samsudin, 2023).

Academic discourse in agrarian law has consistently affirmed the supremacy of the Land Ownership Certificate as an authentic instrument of proof. [Isnaini and Lubis \(2022, 2023\)](#) explain that, doctrinally, a certificate issued by an authorized official possesses perfect and binding evidentiary power. This view aligns with analyses concerning the juridical weakness of unregistered titles. For instance, an inheritance certificate that is not followed by a name transfer process is deemed insufficient to nullify a right that has been officially recorded within the publicity system of land registration ([Saroinsong et al., 2021](#)). The dominance of this positivistic paradigm has shaped the general view that the existence of a certificate is the ultimate determinant in ownership disputes.

Although the academic consensus on the evidentiary strength of certificates is well-established, there exists a crucial and underexplored research gap. This gap emerges in situations where the formal validity of a certificate is questioned because its acquisition process is suspected to contain fundamental material defects, such as being issued based on a sale and purchase transaction conducted by an unauthorized party or through an unlawful act. Existing literature tends to focus on comparing the strength of evidence in the abstract (*in abstracto*). However, it delves insufficiently into the problematic validity of a certificate born from a legally and substantively flawed process. This gap is the primary focus of this research: to analyze how the judiciary should address certificates that appear formally perfect but are materially rooted in illegality.

Supreme Court Decision Number 3762 K/Pdt/2022 serves as a highly relevant case study to fill this gap. This case sharply contrasts the ownership claims between IR Sahrul Bosang and Rosmin Junaidi. IR Sahrul Bosang based his rights on an inheritance certificate and hereditary physical possession. Meanwhile, Rosmin Junaidi held Land Ownership Certificate Number 744, which was issued based on a deed of sale and purchase. The facts of the case represent a tangible contest between a claim based on material-historical truth and one grounded in formal-administrative validity. This contest demands that judges engage in judicial interpretation that goes beyond a mere literal application of statutory text.

The uniqueness of this case lies in the extreme disharmony of the rulings among judicial bodies. At the first-instance and appellate levels, the triers of fact (*judex factie*) at the Sumbawa Besar District Court and the Mataram High Court ruled in favor of the heirs. Their legal considerations emphasized material evidence, such as long-standing physical possession. Furthermore, they considered the fact that the seller in the transaction that led to the certificate's issuance was not the rightful owner of the land. Conversely, at the final appeal level, the Supreme Court, as the trier of law (*judex juris*), overturned both rulings from the triers of fact. The Supreme Court unequivocally ruled in favor of the certificate holder, reasoning that the certificate, as

an authentic deed, possesses evidentiary power that cannot be invalidated by private instruments.

This disharmony is more than a mere judicial difference of opinion; it reflects a paradigmatic struggle within Indonesia's land law system. The Supreme Court's decision, which prioritizes formal legalism, has the potential to create a precedent where legal certainty is upheld at the expense of substantive justice. If a certificate issued from a materially flawed process is granted absolute legal protection, it could legitimize improper acquisition practices. Such practices could also weaken the protection for rightful owners who are administratively disadvantaged. This problem underscores the urgency of conducting a critical analysis of the legal considerations in the said decision.

Based on this background, this research has two primary objectives. *First*, to analyze and elaborate on the legal evidentiary strength between a Land Ownership Certificate and an inheritance certificate in the context of a land ownership dispute. *Second*, to critically evaluate the appropriateness of the judicial considerations in Supreme Court Decision Number 3762 K/Pdt/2022 in assessing the element of an unlawful act that underpinned the certificate's issuance. Academically, this research is expected to contribute to the discourse on agrarian law, particularly by offering an analytical model that integrates both formal and material validity tests for land title evidence, as an effort to promote a more progressive and just legal approach.

METHOD

This research utilizes a qualitative design with a normative juridical approach to address the formulated legal problems (Soekanto & Mamudji, 2014). This approach was selected because the research focuses on the analysis of legal norms, principles, and doctrines within the framework of currently prevailing positive law (*ius constitutum*) (Qamar & Rezah, 2020), particularly concerning the law of evidence and land disputes. To sharpen the analysis, this study employs a case approach explicitly. This approach positions Supreme Court Decision Number 3762 K/Pdt/2022, along with the lower court decisions, as the primary unit of analysis. The use of a case approach allows for an in-depth and contextual examination of the legal reasoning (*ratio decidendi*) constructed by the judges at each level of the judiciary.

Data was collected through a systematic literature study (Sampara & Husen, 2016). The primary legal materials, which constitute the main data, include relevant laws and regulations: Law Number 5 of 1960, the Civil Code, and Government Regulation Number 24 of 1997. Additionally, the primary data also encompasses the full texts of the Sumbawa Besar District Court Decision Number 30/Pdt.G/2018/PN.Sbw, Mataram High Court Decision Number 92/Pdt/2019/PT.Mtr, and Supreme

Court Decision Number 3762 K/Pdt/2022. Meanwhile, secondary legal materials consist of scholarly literature such as textbooks, journal articles, and the doctrines of agrarian law and civil procedure experts. These materials were used to enrich the theoretical framework and analysis. All collected legal materials were then identified, classified, and systematized according to their relevance to the two established research objectives.

The data analysis technique in this study is qualitative-prescriptive and conducted through several interrelated stages (Irwanasyah, 2020). The first stage involves systematic interpretation, which construes the legal norms related to land title evidence by connecting them to build a coherent understanding of the strength of the Land Ownership Certificate *vis-à-vis* other forms of evidence. In the second stage, this research applies critical discourse analysis to deconstruct and critically examine the arguments and legal reasoning (*ratio decidendi*) contained within the three court decisions. This analysis aims to identify the legal paradigm underlying each decision, whether it tends to be positivistic-formal or progressive-substantive. As the primary analytical tool for evaluating the appropriateness of the Supreme Court's decision, this research explicitly uses Rawls's theory of Justice as Fairness, as contextualized by Wahyudhi and Baihaqi (2023). This framework is used to assess whether the decision has fulfilled the principle of substantive justice by protecting the least-advantaged party, beyond the mere fulfillment of formal legality. Through this analytical mechanism, the research not only describes but also provides a critical assessment of the analyzed legal product.

RESULTS AND DISCUSSION

A. Reconstruction of the Case Facts and Essential Legal Facts

An analysis of Supreme Court Decision Number 3762 K/Pdt/2022 demands a meticulous mapping of the legal facts that formed the basis of the judges' considerations. This case serves as an arena of conflict between two opposed sets of evidence: on one side, material-historical proof of ownership, and on the other, formal-juridical proof of ownership. IR Sahrul Bosang (the Plaintiff at the first-instance) based his claim on an unregistered inheritance title, the strength of which stemmed from social legitimacy and physical possession. Conversely, Rosmin Junaidi (the Defendant at the first-instance) relied on a state-issued Land Ownership Certificate, the strength of which derived from formal legality. It was this conflict that the Supreme Court explicitly evaluated, testing the strength of each piece of evidence to determine the victor of the dispute.

The foundation of the Plaintiff's claim was the document titled "Letter of Division/Handover of Assets", dated March 27, 1987. This private instrument

functioned as a deed of inheritance and served as preliminary written evidence of a transfer of rights from the decedent (H. Ahmad Bosang) to the Plaintiff. In its legal considerations, the Supreme Court directly assessed this evidence and concluded that it was “not strong enough” to prove ownership. According to the Plaintiff’s logic at the first-instance trial, the weakness of this formal evidence was compensated by strong material evidence, namely the physical possession (*bezit*) of the disputed land, which had been continuous, peaceful, and hereditary. In fact, a building had even been constructed upon it.

The Plaintiff’s claim, based on physical possession and social legitimacy, was supported by witness testimony during the trial before the triers of fact (*judex factie*). The witnesses confirmed the history of the land’s possession by the Plaintiff’s family. The combination of the private written instrument and physical possession constituted the Plaintiff’s evidentiary construction. This construction represents a model of ownership common in society, where material truth and communal recognition are often prioritized over administrative formalities. From the Supreme Court’s perspective, however, this entire body of evidence was deemed inadequate.

On the opposing side, the Defendant presented a single, formally superior piece of evidence: Land Ownership Certificate Number 744, issued on February 21, 2013. In its legal considerations, the Supreme Court explicitly stated that this evidence was “valid and binding.” Its status as an authentic deed originating from the land registration system (Article 32 section (1) of Government Regulation Number 24 of 1997) rendered it the most perfect proof of ownership in the Court’s view. This Land Ownership Certificate was the legal product of a sale and purchase transaction between the Defendant and a third party, Nurjayanti. The transaction process was formalized in a deed executed by a Land Deed Official (PPAT).

Herein, however, lies the legal anomaly at the core of this research. The process that gave rise to this “valid and binding” evidence was founded upon a fundamental material defect. A legal fact revealed during the first-instance trial was that the seller, Nurjayanti, lacked the legal authority to sell—a fact that also became a primary consideration for the triers of fact (*judex factie*). Nurjayanti’s status was merely that of the child of the land’s cultivator, not its owner. Thus, she had transferred a right she did not possess, an act that contravenes the legal principle that no one can transfer more rights than they possess (*nemo plus iuris*).

This material defect was reinforced by the existence of written statements from both Nurjayanti herself and her father before his death, in which they acknowledged that the land was not theirs but belonged to the Plaintiff’s family. This admission substantially delegitimized the entire sale and purchase process.

The existence of this fact created a key variable that the Supreme Court consciously chose not to consider in its legal reasoning (*ratio decidendi*). The Supreme Court limited its analysis solely to a comparison of the formal strength of an “inheritance letter” versus a “certificate,” without delving into an evaluation of the material validity of the process that produced the certificate (Akbar et al., 2022).

Thus, the constellation of legal facts in this case presents a sharp dilemma. On one hand, there is a series of material evidence that collectively indicates the actual ownership right resides with the Plaintiff, despite his weak formal proof. On the other hand, there is a formally perfect piece of evidence in the hands of the Defendant, which is nevertheless the fruit of a process that was materially and legally flawed (Septianingsih et al., 2020). The Supreme Court’s choice to absolutely favor the formal evidence while disregarding the material defect is the point of departure for the paradigmatic analysis in the subsequent section.

B. The Dialectic of Judicial Paradigms: A Comparative Analysis of the Considerations of the *Judex factie* and *Judex juris*

The disharmony of the rulings between the first-instance and appellate courts (*judex factie*) and the Supreme Court (*judex juris*) in this case reflects a fundamental paradigmatic dialectic in judicial interpretation. The resulting difference in legal conclusions is not merely a consequence of differing interpretations of norms; it stems from the selection of conflicting judicial paradigms. The *judex factie* tended to adopt a progressive legal approach oriented toward substantive justice. In contrast, the *judex juris* rigidly adhered to a legal positivism paradigm that prioritizes formal legal certainty. A critical discourse analysis of the legal reasoning (*ratio decidendi*) at each judicial level reveals the clash between these two schools of legal thought.

The judicial panels at the Sumbawa Besar District Court and the Mataram High Court, in their decisions, explicitly built their considerations on the foundation of material truth. Rather than being fixated on the hierarchy of evidentiary strength, the *judex factie* conducted an in-depth examination of the validity of the legal act that produced Land Ownership Certificate Number 744. The judges’ considerations keenly identified the inherent juridical defect in the sale and purchase transaction: the seller’s lack of authority to sell (*beschikkingsonbevoegdheid*). By concluding that Nurjayanti had committed an unlawful act (Article 1365 of the Civil Code) by selling another person’s land, the judges logically declared that all legal consequences of that act were null and void by operation of law.

The same paradigm was reinforced at the appellate level. The Mataram High Court strengthened another crucial dimension of the first-instance decision’s

analysis: the absence of good faith on the part of the buyer, Rosmin Junaidi. This consideration was based on the fact that the Defendant had neglected the duty of care. The Defendant should have conducted a factual verification of the land's status, which was clearly possessed by the Plaintiff's family. This approach demonstrates that the *judex factie* did not view the buyer as a passive entity automatically protected by a formal document. Instead, the buyer was seen as an active legal subject with a responsibility to ensure the material validity of the object to be acquired (Disemadi & Lau, 2021).

The judicial choice made by the *judex factie* at both levels reflects a commitment to substantive justice. The judges did not allow themselves to become a mere mouthpiece of the law (*la bouche de la loi*) (Suherman, 2019). Instead, they engaged in judicial interpretation (*rechtsvinding*) by delving into the socio-historical facts behind the formal documents (Simamora et al., 2024). The discourse constructed in the *judex factie's* decisions positions the law as a tool to achieve justice, not merely as an instrument for creating procedural certainty.

Conversely, the Supreme Court in its final appeal decision adopted a fundamentally different paradigm. As articulated in its legal considerations, the Supreme Court completely shifted the focus from material validity to formal validity. The legal reasoning (*ratio decidendi*) of the Supreme Court was built upon two main pillars. *First*, the assertion that the Plaintiff's inheritance evidence was "not strong enough" to prove ownership. *Second*, the contrasting assertion that the Defendant's Land Ownership Certificate, obtained from a sale and purchase before a Notary, was "valid and binding." This choice of diction indicates an absolute rejection of material evidence and a glorification of formal proof.

A deconstruction of the Supreme Court's logic reveals a deliberate blind spot. The Supreme Court leaps from the premise "there was a sale and purchase before a Notary" directly to the conclusion "therefore, the Land Ownership Certificate is valid and binding." The Court never tests the validity of the premise itself, despite the core argument of the *judex factie* being that the sale was substantively invalid because the seller was unauthorized. By ignoring this crucial variable, the Supreme Court effectively affirmed that procedural formality (the Notary's deed) is superior to the substance of the legal act.

The Supreme Court's argumentation is deeply rooted in the school of legal positivism. The assessment that the Plaintiff's inheritance evidence was "not strong enough" is implicitly based on the Plaintiff's failure to fulfill the obligation to register the transfer of rights due to inheritance (Nurhadi, 2024), an obligation stipulated in Article 111 of Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 16 of 2021. Meanwhile, the affirmation

that the certificate is “valid and binding” aligns with the spirit of guaranteeing legal certainty in the land registration system, a system defined in Article 1 point 9 of Government Regulation Number 18 of 2021. By referring to the doctrine of the supremacy of authentic deeds (Article 1868 of the Civil Code and Article 32 of Government Regulation Number 24 of 1997), the Supreme Court prioritized formal legal certainty above all else (Yulia, 2018; Pahlevi et al., 2021; Suhariono et al., 2022).

Thus, the dialectic between the rulings of *the judex factie* and *the judex juris* in this case is not merely a technical-juridical difference. It is a “war of paradigms” that reflects an enduring tension in legal philosophy. *The judex factie* represents the progressive legal view that sees law as a means to achieve substantive justice. In contrast, *the judex juris* represents the legalistic-positivistic view that places formal legal certainty as the highest goal. It is this conflict that provides the basis for further critical evaluation: which paradigm should be prioritized when formal legal certainty collides with the sense of justice?

C. A Critical Evaluation of the Supreme Court’s Decision: A Substantive Justice Test Based on the Theory of Justice as Fairness

The culmination of the analysis of Supreme Court Decision Number 3762 K/Pdt/2022 lies in a critical evaluation of its legal reasoning (*ratio decidendi*). This reasoning is not only tested against the coherence of positive legal norms but also through the lens of the philosophy of justice. The Supreme Court’s choice to grant absolute victory to formal legality demands a substantive examination. In this context, the theory of Justice as Fairness, conceived by Rawls (2001), provides a robust analytical framework. This theory allows us to assess whether a decision that appears procedurally correct can also be justified as fair, especially for the most vulnerable parties within the social and legal structure.

Specifically, the Supreme Court’s legal reasoning (*ratio decidendi*) serves as the point of departure for this evaluation. This reasoning asserts that the Plaintiff’s inheritance evidence was “not strong enough,” while the Defendant’s certificate was “valid and binding.” This statement, upon dissection, represents a judicial choice that consciously ignores the socio-economic context of the parties. Rawls’s theory, through the difference principle, mandates that any inequality (including in the distribution of rights) can only be justified if it provides the most significant benefit to the least advantaged (Wahyudhi & Baihaqi, 2023). In this dispute, the Plaintiff, with an informal inheritance title and limited access to complex land registration procedures, clearly represents the least-advantaged party.

A direct application of this principle challenges the fairness of the Supreme Court’s ruling. The decision creates an extreme inequality: the Plaintiff loses all

rights to his inherited land, while the Defendant acquires full rights. This inequality not only fails to benefit the most vulnerable party but actively harms them. Thus, the Supreme Court's decision, which culminates in the expropriation of the material rights of the least-advantaged party to protect a formality, fundamentally fails to meet the standard of justice as formulated by Rawls.

Furthermore, the Supreme Court's consideration, which confines its analysis solely to the hierarchy of formal evidence, is a manifestation of narrow legalism. This approach deliberately creates a blind spot to the substance of the legal events underlying the certificate's issuance. The Supreme Court Justices acted as if the certificate were a standalone entity (*sui generis*), detached from the process of its creation. In reality, the trial facts had convincingly proven that the certificate was born from an unlawful act committed by an unauthorized seller. To ignore this crucial fact is tantamount to allowing the law to be blind to the injustice occurring at the root of the problem.

The evidentiary strength of a certificate as an authentic deed is not unconditional; it is conditional. Its power depends on the assumption that its issuance process was conducted correctly and honestly, both formally and materially. When this assumption of material validity collapses, deifying the certificate's formal power becomes a logical fallacy. A judge should not stop at the question, "Is this certificate formally valid?" Instead, the judge must proceed to the more fundamental question: "Was the process that created this certificate materially valid and just?"

It can be described as the paradox of legalism in the Supreme Court's decision. The law, through the hands of its highest judicial institution, ends up legitimizing and protecting the outcome of an act that clearly violates the law. The action of Nurjayanti in selling land that was not hers is the core of the unlawful act in this case (Akbar et al., 2022). By validating the Defendant's ownership acquired from this flawed transaction through its ruling, the Supreme Court has indirectly "laundered" the illegality under the cloak of formal legality. It is a dangerous contradiction that sends a signal that, as long as one successfully obtains a certificate, the improper means of its acquisition may be condoned by law.

It is in this context that the role of the judge in judicial interpretation (*rechtsvinding*) becomes highly relevant. The Supreme Court, as the guardian of jurisprudence, has an obligation not only to apply the law (*rechtstoepassing*) but also to excavate the values of justice that live within society. This case presented an ideal moment for the Supreme Court to create a progressive precedent. Unfortunately, this opportunity was missed in favor of maintaining a rigid and textual interpretation.

The Supreme Court's stance also feels *incongruent* with the fundamental spirit of national land law. Law Number 5 of 1960, as the foundation of national land law, is not solely oriented toward legal certainty; it also inherently carries a mission of social justice. The spirit of this law is to protect the people's rights to land and prevent practices that could harm economically weaker groups (Haris et al., 2024). A decision that sacrifices the material right of an heir to protect a buyer who was (at least constructively) not in good faith feels contrary to the soul and spirit of social justice embodied by Law Number 5 of 1960.

The total disregard for the material evidence presented by the Plaintiff is the most unambiguous indication of the Supreme Court's positivistic approach. This evidence included peaceful and continuous physical possession, an inheritance letter acknowledged by village officials, and an admission from the seller's party. In a progressive legal paradigm, this evidence should be viewed as the living law of the community, reflecting the actual reality of ownership. In the Supreme Court's decision, however, this social reality was deemed worthless in the face of the certificate's formal text.

In conclusion, although the Supreme Court's decision can be justified from a narrow legal positivist standpoint, it fails to meet the standard of substantive justice. The Court explicitly declared material evidence "not strong enough" and formal evidence "valid and binding" without testing the validity of the underlying process. In doing so, the Supreme Court has prioritized text over context, formality over substance, and legal certainty over justice. The culminating argument of this research is that the decision represents a judicial failure to balance two noble aims of the law. Ultimately, it chose an unjust certainty over the pursuit of true justice.

D. Implications of the Decision for the Protection of Rights and Agrarian Legal Certainty

A critical analysis of Supreme Court Decision Number 3762 K/Pdt/2022 cannot stop at a theoretical evaluation; it must proceed to examine its practical implications. The consequences of the ruling, which overturned the decisions of the triers of fact (*judex factie*) and ordered the Plaintiff's eviction from the land, have a systemic impact. Founded on legal reasoning (*ratio decidendi*) that absolutizes formal evidence, the ruling affects the architecture of land law in Indonesia. As a product of the highest judicial institution, this decision has the potential to become a jurisprudence-shaping legal practice and to shift the balance between the pillars of legal certainty and social justice.

The first and most fundamental implication is for the meaning of legal certainty itself. The Supreme Court's dictum declaring the Defendant's certificate

“valid and binding” appears to be an effort to uphold legal certainty. However, the certainty it offers risks becoming specious and fragile. True legal certainty is not born solely from the formality of a document; it is also born from public trust that the document reflects a correct and just process of rights acquisition. When the highest court grants absolute protection to a certificate born from a materially flawed process, public trust in the integrity of the land registration system can erode, which in the long run will trigger even greater uncertainty.

A direct consequence of this strengthened formal legalism is the weakening of legal protection for community groups whose rights are based on informal titles. In this case, the ruling that dismissed the Plaintiff’s entire claim sets a dangerous precedent for millions of Indonesians whose land ownership is still based on inheritance, customary deeds (*girik*), or traditional recognition that has not been converted into a certificate. They are placed in a highly vulnerable position of losing their rights to parties who can skillfully exploit formal procedures to legally “annex” land, even if it is not materially legitimate (Prasetyawati et al., 2024).

Furthermore, the Supreme Court’s conscious choice not to evaluate the material validity of the sale and purchase process could create a moral hazard (Yusuf et al., 2025). The judicial signal being sent can be interpreted as follows: as long as a transaction can be formalized into a PPAT deed and successfully registered, defects in the seller’s original title can be overlooked. This opens a loophole for the practices of land mafias, where parties in bad faith can collude to engineer documents with the confidence that the resulting certificate will ultimately receive absolute protection from the courts.

This implication also highlights a systemic weakness in the verification process at land administration agencies. The function of the National Land Agency should not be merely administrative-passive, simply recording transfers of rights based on submitted documents (Bekak et al., 2023). There should be a more proactive juridical verification function. When the Supreme Court no longer acts as the final safety valve to test the material validity of certificates, the burden of preventing the issuance of “defective” certificates falls entirely on the shoulders of the National Land Agency—an institution often constrained by limited resources for conducting comprehensive field verifications (Soputan et al., 2024).

From a sociological of law perspective, this decision could widen the gap between state law and the living law of the community (Rezah & Muzakkir, 2021). For local communities, hereditary physical possession is considered valid proof of ownership. A decision that evicts them from their land in favor of a formal piece of paper will feel like an absurd injustice. This incongruity can trigger resistance and broader social conflict, ultimately contradicting the law’s aim of creating order.

Academically, this case makes a significant contribution by demonstrating the limitations of the doctrinal approach that has long been dominant. The research findings challenge the established views promoted by some previous studies that tend to absolutize the power of certificates (Saroinsong et al., 2021; Isnaini & Lubis, 2022). This case proves that the supremacy of a certificate cannot be accepted unconditionally. It adds a critical nuance that a certificate's validity must always be tested in two dimensions: formal procedural truth and substantive material truth. The main contribution of this research is to offer an argument for integrating these two dimensions in judicial practice.

Ultimately, the most significant implication of this Supreme Court decision is a warning about the dangers of legalism. When law is reduced to mere formal rules, it risks losing its soul: justice. This decision, while technically correct according to some articles of law, failed to grasp the essence of the dispute it faced. Therefore, it should not be seen as a final affirmation of legal certainty. Instead, it must be viewed as a case study demonstrating how crucial it is for judges to perpetually balance the text of the law with social context and a conscience for justice.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it can be concluded that Supreme Court Decision Number 3762 K/Pdt/2022 represents a problematic precedent. In this decision, the enforcement of the supremacy of the Land Ownership Certificate as a manifestation of formal legal certainty negates the principle of substantive justice. Although this decision can be justified from a normative-positivistic standpoint for prioritizing the certificate as the strongest authentic instrument of proof, it substantially fails to conduct a material validity test on the underlying rights acquisition process. By ignoring the fact that the certificate was born from an unlawful act committed by an unauthorized seller, the Supreme Court has implicitly legitimized the outcome of an illegality under the cloak of formal legality. This paradigmatic choice not only sacrifices the material rights of the heir as the socio-economically more vulnerable or least-advantaged party, but it also creates a specious legal certainty and risks fostering public distrust in the judicial and land registration systems.

Based on the synthesis of these conclusions, several prescriptive recommendations are formulated. *First*, it is recommended that the Supreme Court, through its decisions, develop a more progressive jurisprudence in handling land title disputes. Specifically, a legal principle needs to be formulated that affirms that the evidentiary strength of a Land Ownership Certificate is not absolute, but conditional. This strength must be subject to reduction or dismissal if it is convincingly proven in court that the rights acquisition process underlying the certificate's issuance contains a fundamental material defect, such as an unlawful act, bad faith, or fraud.

This approach would foster a more harmonious balance between the pillars of legal certainty and justice. *Second*, it is recommended that the National Land Agency strengthen its proactive juridical verification mechanisms in the procedures for land registration and transfer of rights. Verification should not be limited to examining the completeness of formal documents. However, it must also include the obligation to clarify the history of physical possession and the validity of the legal subjects applying, in order to mitigate the risk of certificates being issued from illegal transactions that are detrimental to the rights of third parties.

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