

Legal analysis of protection for victims of forged land title certificates in Indonesia

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ABSTRACT

This research analyzes the legal protection available to victims of forged land title certificates in Indonesia by examining juridical aspects, enforcement mechanisms, and practical challenges. The study applies a normative legal method using statutory, conceptual, and case approaches. Legal materials were collected through literature review, including legislation, legal doctrines, and relevant judicial decisions. The results reveal that legal protection has been formally regulated through various legal instruments, including the Basic Agrarian Law, the Criminal Code, and implementing regulations. Dispute resolution mechanisms are available through civil, criminal, and administrative procedures. However, in practice, these mechanisms have not functioned optimally due to weaknesses in verification systems, overlapping institutional authority, and inefficient legal processes. Furthermore, challenges such as difficulties in proving cases, limited public awareness, and potential misuse of authority continue to hinder effective legal protection. Therefore, improvements in institutional coordination, system digitalization, and legal awareness are necessary to ensure stronger legal certainty for victims.

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1. INTRODUCTION

Land plays a fundamental role in Indonesian society, not only as an economic asset and source of livelihood but also as a determinant of social stability and legal order. Therefore, the existence of legal certainty in land ownership is essential to prevent disputes and ensure the protection of rights for landholders (Luvianti & Rasji, 2023; Manthovani & Istiqomah, 2021).

In practice, however, the issue of forged land title certificates continues to emerge and has become a significant legal problem in Indonesia. These cases often result in substantial losses for rightful owners and create prolonged disputes, while also weakening public trust in the land administration system (Ridwan & Vitrianingsih, 2025). The occurrence of such cases indicates that the existing legal system has not been fully effective in preventing and addressing document forgery in the land sector.

The government has established various legal instruments to regulate land ownership and provide legal protection, including Law Number 5 of 1960 concerning Basic Agrarian Principles and Government Regulation Number 24 of 1997 concerning Land Registration. In addition, criminal provisions under Articles 263 and 264 of the Criminal Code regulate sanctions for acts of document

forgery (Hosnah et al., 2024). These regulations are intended to ensure legal certainty and protect the rights of landowners.

Nevertheless, the persistence of forgery cases suggests that there are still weaknesses in the implementation of these legal provisions. Several factors contribute to this condition, including inadequate verification systems, overlapping institutional authority, limited coordination among agencies, and challenges in law enforcement processes (Salim, 2019; Sugiyanto et al., 2024). Furthermore, low public awareness and the potential involvement of certain officials also complicate efforts to provide effective legal protection.

Previous studies have discussed legal protection in land disputes and issues related to land certificate ownership; however, most of them focus on general legal aspects without comprehensively examining the effectiveness of legal protection mechanisms for victims of forged land title certificates. This indicates the existence of a research gap that needs to be addressed through a more in-depth juridical analysis.

Based on these considerations, this study aims to analyze the legal protection provided to victims of forged land title certificates in Indonesia, particularly in terms of juridical aspects, implementation mechanisms, existing challenges, and the effectiveness of applicable regulations. The results of this study are expected to contribute to the development of legal science and provide recommendations for improving the land administration system in Indonesia.

2. METHOD

2.1 Type of Research

This study applies a normative legal research design, emphasizing the examination of legal norms, principles, and regulatory frameworks related to the protection of victims of forged land title certificates in Indonesia.

2.2 Approach

The research employs a combination of statutory, conceptual, and case approaches. The statutory approach focuses on analyzing relevant legislation governing land rights and criminal acts of forgery. The conceptual approach explores legal doctrines and theoretical perspectives concerning legal protection. Meanwhile, the case approach reviews selected judicial decisions related to land certificate forgery.

2.3 Sources of Legal Materials

This study utilizes three categories of legal materials. Primary legal materials include statutory regulations such as the Basic Agrarian Law and the Criminal Code. Secondary materials consist of academic literature, journal articles, and prior research relevant to the topic. Tertiary materials include legal dictionaries and supporting references.

2.4 Data Collection Methods

Legal materials are gathered through an extensive literature review, involving the identification and examination of laws, scholarly works, and relevant legal documents.

2.5 Data Analysis Methods

The collected materials are analyzed using a qualitative juridical approach. The analysis is conducted systematically to interpret legal norms and evaluate the effectiveness of legal protection for victims of forged land title certificates.

3. RESULTS AND DISCUSSION

3.1 Overview of Forgery of Land Title Certificates in Indonesia

Forgery of land title certificates constitutes a criminal act categorized as document forgery as regulated under Article 263 paragraph (1) of the Indonesian Criminal Code (Hosnah et al., 2024). A land certificate, as an authentic proof of ownership, possesses strong legal force; therefore, any falsification significantly affects legal certainty and the integrity of land administration (Atikah, 2022).

Several factors contribute to the occurrence of land certificate forgery, including weaknesses in the land administration system, lack of internal supervision within the National Land Agency (BPN), economic motives, and low public awareness in verifying certificate authenticity (Salim, 2019). Data from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency indicate that cases involving alleged forgery continue to increase annually.

Common modes of forgery include falsification of landowner identity, issuance of duplicate certificates for the same land, manipulation of inheritance documents, and collusion involving certain officials (Ginting et al., 2025). These practices reflect systemic vulnerabilities that require serious legal and institutional reforms.

3.2 Juridical Analysis of Legal Protection for Victims

Legal protection for victims of forged land title certificates in Indonesia is regulated through civil, criminal, and administrative law frameworks (Al Farabi & Lyanthi, 2025).

3.2.1 Legal Framework for Protection

The legal framework governing protection includes Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), Government Regulation Number 24 of 1997, and Government Regulation Number 18 of 2021, which regulate land registration and administrative authority (Christianto, 2022; Rizaldi, 2023; Sugiyanto et al., 2024).

In addition, Article 1365 of the Civil Code provides a legal basis for claims for damages due to unlawful acts, while Articles 263 and 264 of the Criminal Code regulate criminal sanctions for forgery (Septiani & Rahaditya, 2021). Other supporting regulations, including administrative law and ministerial regulations, further strengthen legal protection mechanisms (Dewi & Setiasih, 2024).

Normatively, this legal framework provides adequate protection; however, its implementation remains suboptimal.

3.2.2 Civil Law Protection

Civil law protection focuses on restoring victims' rights and providing compensation. Based on Article 1365 of the Civil Code, victims may file lawsuits for unlawful acts, including claims for material and immaterial damages, cancellation of certificates, and restoration of land ownership rights (Aleska et al., 2025).

3.2.3 Criminal Law Protection

Criminal law aims to impose sanctions and create a deterrent effect for perpetrators. Articles 263 and 264 of the Criminal Code provide penalties of imprisonment for document forgery offenses (Magistri, 2020). Victims may report such cases to law enforcement authorities for investigation and prosecution.

3.2.4 Administrative Law Protection

Administrative protection is implemented through mechanisms within the Ministry of Agrarian Affairs/National Land Agency (ATR/BPN). This includes certificate cancellation, land blocking, and administrative dispute resolution (Tan et al., 2024). This approach is often more efficient in restoring legal rights compared to judicial processes.

3.2.5 Obstacles in Legal Protection

Despite the availability of legal mechanisms, several obstacles hinder effective protection. These include lengthy and bureaucratic legal processes, weak coordination among institutions (BPN, police, prosecutors, and courts), difficulties in evidence collection, potential abuse of authority, low public legal awareness, and limited effectiveness of sanctions (Mentari, 2024).

These challenges indicate a significant gap between legal norms and their implementation in practice.

3.3 Discussion of Research Findings

The findings of this study indicate that although Indonesia has an adequate legal framework, its effectiveness in protecting victims of forged land title certificates remains limited.

First, the juridical framework exists but is weakened by deficiencies in document verification systems. Second, legal protection mechanisms are available through civil, criminal, and administrative channels; however, their implementation is often inefficient due to procedural complexity. Third, the main constraints lie in weak institutional coordination, evidentiary challenges, and potential internal involvement. Finally, regulatory effectiveness is reduced due to lack of synchronization and limited use of technology (Febriansyah et al., 2025; Yulita et al., 2024).

Therefore, strengthening institutional coordination, improving land administration systems, and integrating digital technology are essential to enhance legal protection and ensure legal certainty for victims.

4. CONCLUSION

This study concludes that legal protection for victims of forged land title certificates in Indonesia is normatively well-regulated through various legal instruments, including the Basic Agrarian Law,

Government Regulations, and the Criminal Code. These regulations provide a comprehensive framework covering civil, criminal, and administrative mechanisms. However, the implementation of such legal protection remains ineffective. This is due to several key factors, including weaknesses in document verification systems, lack of coordination among relevant institutions, lengthy and bureaucratic legal processes, and difficulties in evidence collection. In addition, low public legal awareness and the potential involvement of certain officials further hinder the effectiveness of law enforcement. These findings indicate a gap between normative legal provisions and their practical implementation. Therefore, strengthening institutional coordination, improving land administration systems, enhancing the integrity of law enforcement officials, and optimizing the use of digital technology are necessary to ensure more effective legal protection and greater legal certainty for victims. Future research is recommended to explore the application of advanced technologies, such as digital land registration systems, and to develop integrated institutional models to improve the efficiency of dispute resolution mechanisms.

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REFERENCES

- Al Farabi, M. A., & Lyanthi, M. E. (2025). Legal protection for victims of unlawful transfer of land rights. *Indonesian Legal Media (MHI)*, 3(2), 1–16.
- Aleska, I. I. P., Daat, N. E., & Dwiyatmi, S. H. (2025). Compensation for unlawful acts in customary land control disputes. *Jurnal USM Law Review*, 8(2), 687–708. <https://doi.org/10.26623/julr.v8i2.11838>
- Anggraeni, D., Widjajaatmadja, D. A., & Koto, Z. (2023). Legal certainty in issuing dual certificates for land ownership rights holders by the land office. *Indonesian Multidisciplinary Journal*, 2(8), 2017–2031. <https://doi.org/10.58344/jmi.v2i8.412>
- Atikah, N. (2022). The position of land certificates as proof of ownership. *Notary Law Journal*, 1(3), 263–289.
- Christianto, I. (2022). Legal protection of waqf land through land registration based on Law Number 5 of 1960 concerning basic agrarian regulations. *Al-Mashlahah: Journal of Islamic Law and Social Institutions*, 10(1), 91–105. <https://doi.org/10.30868/am.v10i01.2027>
- Dewi, N. N., & Setiasih, H. (2024). Land dispute resolution through mediation based on Minister of ATR/BPN Regulation Number 21 of 2020. *DEKRIT: Jurnal Magister Hukum*, 14(1), 67–86.
- Febriansyah, M. F., Aldiansyah, M., Nugraha, M. Z., Tanjung, A., & Sitepu, S. (2025). The effectiveness of the criminal justice system in handling corruption cases in Indonesia. *Journal of Law and Public Policy Studies*, 2(2), 1018–1024.
- Ginting, G., Trisna, W., Alsa, A. A., & Utara, U. S. (2025). The role of the prosecutor's office in eradicating land mafia practices. *Journal of Legal Studies*, 4(3), 4399–4409.
- Gultom, R. E., Naristya, C., Hikal, A., & Niravita, A. (2024). Land registration in Europe and Asia: A comparative study of policies and legal certainty. *Jurnal Ilmiah Nusantara*, 1(6), 103–112. <https://doi.org/10.61722/jinu.v1i6.2776>
- Guruh, G., Sianipar, H., & Yamin, M. (2025). Legal analysis of legal protection for replacement certificates based on false information. *Jurnal Hukum Nasional*, 6(2), 293–308.
- Hosnah, A. U., Ramadhoni, R., & Raihan, I. A. (2024). Implementation of Article 263 of the Criminal Code concerning document forgery. *Journal of Law, Administration, and Social Science*, 4(4), 593–598. <https://doi.org/10.54957/jolas.v4i4.824>
- Luvianti, T., & Rasji, R. (2023). Legal protection for landowners with overlapping ownership. *UNES Law Review*, 6(2), 5076–5083.
- Maghfiroh, N., & Setyadi, S. (2023). Legal consequences of document forgery in land registration. *Bureaucracy Journal*, 3(1), 64–75. <https://doi.org/10.53363/bureau.v3i1.155>
- Magistri, N. R. C. (2020). A legal review of legal protection in criminal justice. *Journal of Indonesian Legal Development*, 2(1), 82–101. <https://doi.org/10.14710/jphi.v2i1.82-101>
- Manthovani, R., & Istiqomah, I. (2021). Land registration in Indonesia. *Jurnal Magister Hukum*, 2(2), 23–35.
- Muda, A. H. S., Lubis, M. Y., & Mustamam, M. (2023). Legal analysis of land document forgery in Deli Serdang. *Metadata: Jurnal Ilmiah*, 5(3), 19–33. <https://doi.org/10.47652/metadata.v5i3.391>

- Nadya, R., & Noviani, A. (2023). Legal protection against land mafia practices in Indonesia. *Journal of Contemporary Studies of Law and Society*, 1(2), 1–25.
- Prahastani, B., Sekarwangi, I., & Iranda, R. (2025). The existence of electronic certificates in land registration policy. *Jurnal Kebijakan Agraria*, 25(2), 1286–1292.
- Ridwan, M., & Vitrianingsih, Y. (2025). Legal protection for good faith land buyers of double certificates. *Pattimura Law Study Review*, 3(1), 140–150.
- Rizaldi, M. (2023). The authority of the National Land Agency to revoke land ownership certificates due to administrative defects. *Proceedings of Law Seminar*, 1(3), 83–92.
- Salim, A. (2019). Settlement of disputes due to duplicate certificates. *Jurnal USM Law Review*, 2(2), 174–187. <https://doi.org/10.26623/julr.v2i2.2269>
- Salsabila, K. A., & Sumardiana, B. (2025). Analysis of investigation time limits in criminal procedure law. *Journal of Legal Analysis*, 8(1), 11–24.
- Septiani, V., & Rahaditya, R. (2021). Application of Article 264 of the Criminal Code in document forgery cases. *Adigama Law Journal*, 4(1), 3125–3143.
- Sugiyanto, D., Tsani, M. U., Ramadhan, T. M., & Kusumah, A. S. F. (2024). Legal certainty of cancellation of ownership certificates due to administrative defects. *Jurnal Hukum Lex Generalis*, 5(9), 1–21.
- Tan, M., Haris, A. R., Sudirman, L., & Girsang, J. (2024). The urgency of establishing a special land court in Indonesia. *Morality: Journal of Legal Studies*, 10(1), 91–106.
- Turrodiyah, A. (2025). Ownership uncertainty as an obstacle in investigation processes. *REUSAM: Jurnal Ilmu Hukum*, 12(2), 51–66. <https://doi.org/10.29103/reusam.v12i2.21517>
- Yulita, E., Pati, U., Agung, A., & Intan, A. (2024). Legal analysis of the responsibilities of land deed officials in land transactions using false documents. *Jurnal Hukum Agraria*, 3(2), 196–216.