

Legal Implications of Inherited Land Certificate Split: A Review of Agrarian Law and Inheritance Law Perspectives

Aisyah

Universitas prima Indonesia

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Corresponding Author:

Author Name : Aisyah

Email : aisyah@unprimdn.ac.id

Abstract: *The breakdown of inherited land certificates in Indonesia faces serious challenges due to the insynchronization between the monistic agrarian legal system and the pluralistic inheritance law (civil, Islamic, and customary). This dualism creates normative and administrative barriers, especially when the process of renaming a certificate requires formal legal documents, while many societies still use a deliberation or customary-based non-formal inheritance system. This study aims to analyze the legal inconsistencies and the need for regulatory harmonization between agrarian law and inheritance law in the context of inherited land redistribution. Using normative juridical methods and legislative, conceptual, and case-case approaches, this study found that the absence of legal instruments recognizing the validity of non-notarial inheritance documents has triggered many inheritance land disputes. Weak legal accessibility and maladministrative practices further worsen the protection of civil rights of the community. Therefore, there is a need for a policy reformulation based on legal pluralism and responsive law that is able to accommodate social realities and ensure substantive justice. Strengthening the role of notaries, PPAT, and recognition of customary inheritances are strategic steps in building an inclusive, fair, and democratic land system. These findings are expected to be an important contribution to the national agrarian reform agenda based on justice and legal certainty.*

Keywords: *Agrarian Law; Heritage Certificate; Inheritance Law*

INTRODUCTION

The dualism between agrarian law and inheritance law creates fundamental problems in the implementation of the separation of inherited land certificates. Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles (UUPA) states that land rights can only be proven by certificates issued by the state, through the National Land Agency (BPN). However, in the practice of inheritance, the status of ownership of land cannot necessarily be transferred to the heirs administratively without first confirming which inheritance law system applies to the Civil Code, Islamic law, or customary law. These three systems have different concepts, procedures, and mechanisms of inheritance, which in most cases do not automatically translate into unifying land administration. This results in a normative and practical vacuum, especially

when BPN asks for valid proof of inheritance distribution while the heirs are in a hereditary legal regime that is not supported by formal documents such as notarial inheritance deeds.¹

Furthermore, the insynchronization between the pluralistic inheritance law system and the monistic agrarian law system (referring to the UUPA) has serious implications for legal certainty and the protection of land rights. In the Indonesian agrarian system, the recognition of inheritance rights must be shown through admissible evidence in the land registration process.² However, in reality, customary inheritance law is often oral and undocumented, making it difficult to accept land administrations that require written legality. This tension shows that there is a normative gap between the substantive arrangement of inheritance and formal-procedural aspects in the registration and division of land certificates. As a result, not a few land inheritance cases end up in civil or even criminal disputes due to procedural errors and manipulation of inheritance documents. Therefore, a policy reformulation that is able to bridge the disparity between agrarian law and a pluralistic inheritance system is very urgent to be carried out.

The phenomenon of high inheritance land disputes in Indonesia reflects the weak management and legal protection of inheritance rights over land. Based on a report from the Ministry of ATR/BPN (2022), more than 60% of land disputes reported annually are cases related to inheritance, especially because the land has not been legally divided or has not been renamed on behalf of the heirs. This problem is exacerbated by the public's ignorance of the correct legal mechanisms, so the process of breaking the certificate is often carried out without legal procedures or with legally flawed documents. This condition opens up gaps for horizontal conflicts between heirs, even triggering criminal acts such as falsification of documents and embezzlement of land rights.³ In this context, the state through land institutions should not only act as administrators, but also as protectors of the civil rights of the community by providing a transparent, responsive, and based on the principles of legal certainty and justice for heirs.

From a critical legal perspective, the existence of massive inherited land disputes also shows that Indonesia's agrarian law has not been fully able to accommodate the social realities of people living in a plural legal system. The division of land certificates should not only be seen as a mechanistic administrative process, but should be placed within the framework of the protection of individual civil rights guaranteed by the constitution, especially in Article 28H paragraph (4) of the 1945 Constitution of the Republic of

¹ MAULIFA, K. N. (2025). IMPLIKASI YURIDIS JUAL BELI HAK MILIK ATAS TANAH YANG KEPEMILIKANNYA OLEH ANAK DIBAWAH UMUR DI KABUPATEN KUDUS (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).

² Rahman, A., Asyhadie, Z., Andriyani, S., & Mulada, D. A. (2020). Pendaftaran Tanah Warisan Yang Belum Dibagi Waris. *Jurnal Kompilasi Hukum*, 5(1), 1-14.

³ Murni, C. S., & Sulaiman, S. (2022). Sertifikat Hak Milik Atas Tanah Merupakan Tanda Bukti Hak Kepemilikan Tanah. *Lex Librum*, 8(2), 183-198.

Indonesia which guarantees the right of everyone to property.⁴ Moreover, the existence of customary and Islamic inheritance law must be recognized as a valid source of law in accordance with Article 5 paragraph (3) of the UUPA, which states that land rights can be inherited according to the law applicable to each individual. Thus, it is necessary to harmonize regulations and prepare a system for splitting inherited land certificates that considers the principles of justice, legal certainty, and respect for legal diversity. Without integrative legal reform, inheritance land disputes will continue to be a source of latent conflict in society and hinder the creation of a fair and sustainable national land system.⁵

The administrative problems in the resolution of inherited land certificates are actually a reflection of the inefficiency of the land law system in providing legal accessibility to the wider community. As stipulated in the Regulation of the Minister of Agrarian and Spatial Planning/Head of BPN Number 16 of 2021 concerning Land Consolidation, the breakdown of inheritance certificates requires the completeness of documents such as inheritance deeds from notaries or inheritance certificates from authorized officials (PPAT or sub-district), as well as identity documents and evidence of family relationships. However, practice in the field shows that these administrative requirements are often a serious obstacle, especially for people who lack understanding of the legal process or do not have the economic ability and access to legal services. In fact, in many cases, heirs are forced to use the services of intermediaries or "brokers" to take care of the splitting of certificates, which actually opens up opportunities for legal irregularities, including forgery of inheritances and embezzlement of certain heirs' shares. This is clearly contrary to the principle *of access to justice*, which should be the foundation of public services in the field of land.

Furthermore, the incompatibility between administrative practices and the substantive rights of heirs also creates inequalities in the protection of civil rights. Based on the principle *of the personality of the recht*, every individual has the right to inherit a share of the inheritance based on the legal system he adheres to, whether Islamic, customary, or civil. However, rigid administrative provisions often ignore the substance of inheritance agreements that are carried out customarily or informally. For example, in certain customary law, the distribution of inherited land can be carried out through family deliberation and stated in a statement letter under hand. Unfortunately, such documents are often not recognized by the land administration system because they are considered not to meet the elements of positive legal formality. This creates tension between *formal validity* and *substantive justice*, which in the context of the state of law should be harmonized through a progressive legal approach as stated by Satjipto Rahardjo. Without reforms that

⁴ Avivah, L. N., Sutaryono, S., & Andari, D. W. T. (2022). Pentingnya pendaftaran tanah untuk pertama kali dalam rangka perlindungan hukum kepemilikan sertifikat tanah. *Tunas Agraria*, 5(3), 197-210.

⁵ Arba, A., & Sahnun, S. (2020). The Making of Land Deed and the Registration of Land Rights Transition through the Inheritance by the Village Community and its Legal Implications (A Study in Sub District of Lingsar, the District of East Lombok). *Unram Law Review*, 4(2), 153-162.

embrace this substantive approach, land administration risks becoming an instrument of legal exclusion for socially and economically weak groups of people.⁶

In the framework of equitable national development, legal certainty on the redistribution of inherited land is a fundamental aspect in guaranteeing civil rights and community economic empowerment. Land as an object of heritage not only has economic value, but also a symbol of identity, family sustainability, and social stability.⁷ Therefore, the legal system must provide an instrument for the redistribution of inherited assets that not only meets the principle of legality, but also accommodates substantive justice for the heirs. Unfortunately, the process of breaking inheritance land certificates is often time-consuming, full of bureaucratic procedures, and unresponsive to the needs of the parties. In this context, the principle of *rechtszekerheid* (legal certainty) which is the main principle in national agrarian law, as enshrined in Article 19 paragraph (2) letter c of the UUPA, must be realized through a land administration process that is simple, transparent, and oriented towards the settlement of rights. Without such a system, inherited land redistribution has the potential to perpetuate economic inequality between generations and widen the gap of structural injustice in land ownership.⁸

More critically, the absence of a fair mechanism for redistribution of inherited assets shows that the law is not yet fully present as an instrument of social engineering in the spirit of agrarian reform. The issuance of inherited land certificates should be used as a public policy instrument to accelerate the legalization of land ownership by citizens, especially marginalized groups who inherit land without legal documents. As emphasized in the Constitutional Court Decision Number 69/PUU-XIII/2015, land rights acquired from generation to generation must be respected and protected by the state even though they have not been formally registered. This emphasizes the importance of the state not only regulating, but also facilitating and protecting the process of transitioning land rights for the sake of distributive justice. Therefore, the legal study of the division of inherited land certificates needs to be directed not only at the juridical-formal aspect, but also at the urgency of the transformation of agrarian law that guarantees certainty and justice for all levels of society. This approach is in line with the idea of law as liberation initiated by critical legal thinkers, such as Satjipto Rahardjo and Roberto Mangabeira Unger, who place law as a tool of empowerment, not a restriction on access to justice.

⁶ Firmansa, F. A., Anggraeny, I., & Pramithasari, Y. P. (2020). Legal review of selling land of inheritance without approval of all heirs. *Legality: Jurnal Ilmiah Hukum*, 28(1), 107-120.

⁷ Dewi, D. A. S., Maitsaa'Jaudah, T., Priyono, S., & Tee-Anastacio, P. A. D. (2025). Comparative Law Between Indonesia and Philippines Regarding the Procedure for Issuing Replacement Land Certificates. *Jurnal Dinamika Hukum*, 25(2), 112-129.

⁸ Masriani, Y. T. (2024). Legal Protection for Buyers of Inherited Land Who Have Not Been Certified In Islamic Law. *Jurnal USM Law Review*, 7(3), 1360-1373.

METHOD

This research uses a normative juridical method, which is an approach that relies on the study of written legal norms and legal principles that apply in the positive legal system of Indonesia. The main focus of this method is to examine the normative provisions governing the division of inherited land certificates in the perspective of agrarian law and inheritance law. This research was conducted by examining various relevant laws and regulations, such as Law Number 5 of 1960 concerning the Basic Regulations of Agrarian Principles (UUPA), Government Regulation Number 24 of 1997 concerning Land Registration, as well as provisions in the Civil Code, Compilation of Islamic Law, and customary law related to inheritance. Normative research aims to examine and understand how the law should apply (*das sollen*), not how the law is practiced in empirical reality (*das sein*), so that the entire analysis process relies on primary and secondary legal materials that are textual and conceptual.⁹

As explained by Peter Mahmud Marzuki, normative legal research is a method that focuses on the study of legal materials as the main object of study, by interpreting and constructing applicable laws to answer certain legal issues.¹⁰ According to Marzuki, this approach is prescriptive because it aims not only to describe the law, but also to provide normative arguments for the validity of a legal action or act in the legal system adopted.¹¹ Meanwhile, Soerjono Soekanto and Sri Mamudji stated that normative legal research includes research on legal principles, legal systematics, legal synchronization, legal history, and comparative law.¹²

The aim of this approach is to identify and analyse inconsistencies or inconsistencies between the norms of agrarian law and inheritance law in the context of the administrative and substantial dissolution of legally valid inherited land rights.

In its implementation, this research uses several approaches. The statute approach is used to examine the structure of the legal norms that govern the status and procedure for the division of inherited land certificates, including their administrative and procedural requirements. Furthermore, a conceptual approach is also used to analyze legal principles such as *legal certainty*, *access to justice*, *substantive justice*, and land ownership rights as guaranteed in Article 28H paragraph (4) of the 1945 Constitution of the Republic of Indonesia. In addition, this study adopts a case approach, by examining court decisions, especially from the Constitutional Court and the Supreme Court, which touch on agrarian and inheritance

⁹ Novea Elysa Wardhani, Sepriano, and Reni Sinta Yani, *Metodologi Penelitian Bidang Hukum* (Jambi: PT. Sonpedia Publishing Indonesia., 2025).

¹⁰ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011).

¹¹ Mahlil Adriaman et al., *Pengantar Metode Penelitian Ilmu Hukum* (Padang: Yayasan Tri Edukasi Ilmiah, 2024).

¹² Rangga Suganda, "Metode Pendekatan Yuridis Dalam Memahami Sistem Penyelesaian Sengketa Ekonomi Syariah," *Jurnal Ilmiah Ekonomi Islam* 8, no. 3 (2022): 2859, <https://doi.org/10.29040/jiei.v8i3.6485>.

law issues at the same time, in order to find patterns of legal interpretation by judicial institutions on inherited land disputes. The primary legal sources used include laws and regulations and court decisions, while secondary legal sources include legal doctrine, scientific journals, expert opinions, and the results of previous research. With this normative juridical method, the research is expected to be able to provide a mapping of normative problems and offer systematic and relevant legal solutions in realizing legal certainty, substantive justice, and harmonization between agrarian law and inheritance law in Indonesia

DISCUSSION

Normative Synchronization between Agrarian Law and Inheritance Law in the Breakdown of Inheritance Land Certificates

The normative synchronization between agrarian law and inheritance law in the context of the termination of inherited land certificates is a fundamental issue in the Indonesian legal system that adheres to the principle of legal pluralism. In practice, the division of inherited land rights is not only administrative as stipulated in Law Number 5 of 1960 concerning the Basic Regulations of Agrarian Principles (UUPA), but also requires proof of the status and share of each heir who is subject to various inheritance law systems, namely the Civil Code, the Compilation of Islamic Law (KHI), and customary law. This pluralism sociologically reflects the diversity of Indonesian society, but normatively causes fragmentation in the recognition of administratively legitimate inheritance rights of land. It is in this context that conflicts between legal norms often occur, because the UUPA and its implementing regulations do not explicitly regulate land inheritance procedures based on the three legal systems in a comprehensive and integrative manner.¹³

This problem causes disturbances to the principles of legal clarity and legal certainty. For example, in Islamic law, the principle of inheritance is *ius constitutum* with the recognition of all children as legal heirs, both male and female, whereas in some indigenous communities, such as the Balinese and Batak communities, inheritance rights tend to be patriarchal and collective. When there is an application for the termination of the inherited land certificate, the National Land Agency (BPN) tends to delay the process until there is a court decision on the determination of the heirs, considering that the administrative authority cannot determine the applicable inheritance legal system. This shows that there is a gap between the normative system of land and the substantive system of inheritance, which can theoretically be analyzed

¹³ Prasetyo, M. R. E., Yahanan, A., & Elmadiantini, E. (2023). INTEGRASI VALIDASI BERDASARKAN PEMISAHAN DAN PEMBAGIAN YANG AKAN DIALIHKAN KEPADA SEBAGIAN AHLI WARIS. *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, 12(2), 177-188.

through the approach of legal pluralism, where state law has not been able to accommodate local and religious laws equally in formal state mechanisms.¹⁴

In the realm of substantive justice, this inconsistency has the potential to harm certain parties, especially women and indigenous groups that have a bilateral or matrilineal kinship system. When the legal norms of state inheritance are unable to respond to the diversity of kinship structures, there is a violation of the principles of equality before the law and distributive justice as affirmed by Rawls in the theory of Justice as Fairness. Therefore, normative harmonization does not only aim to standardize the substance of the law, but to build a procedural bridge that can accommodate the plurality of inheritance law within the framework of national land. In this case, there is a great need for technical regulations that regulate the conversion of inheritance status into a legitimate administrative form according to agrarian law, without negating the applicability of customary and religious law.¹⁵

The idea of harmonization has also been encouraged in various critical agrarian law studies, as stated by Maria S.W. Sumardjono (2008), that national agrarian law needs to be formed not only based on the principle of legal unification, but also recognition of the diversity of the community's legal system. For this reason, the future strategy includes strengthening coordination between BPN, judicial institutions, and KUA offices (in the event that KHI applies), as well as the formulation of derivative regulations such as the ATR/BPN Ministerial Regulation that regulates land inheritance mechanisms based on legal pluralism. Thus, this normative synchronization is expected to be able to ensure legal certainty, protection of land rights, and a sense of justice for all citizens, in accordance with Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia which affirms the right to fair legal recognition, guarantee, protection, and certainty.

Juridical and Administrative Problems in the Practice of Breaking Inherited Land Certificates

Juridical problems in the practice of splitting inherited land certificates reflect the disharmony of the pluralistic inheritance law system in Indonesia with administrative and standardized land regulations. Inheritance law pluralism including Customary Inheritance Law, Islamic Inheritance Law, and Western Civil Inheritance Law creates ambiguity in determining who is legally the heir and what legal documents are accepted by the Land Office. In practice, the Land Office requires authentic inheritance documents such as Certificate of Inheritance (SKW) for Indonesian citizens of Chinese and European descent or the Determination of Heirs from the court for native Indonesian citizens if they are not made through a notary,

¹⁴ Sekotibo, G. T. (2021). The Strength of Evidence (Certificate) in Land Rights Disputes According to Government Regulation No. 24 of 1997 Concerning Land Registration. *Journal of Human Rights, Culture and Legal System*, 1(2).

¹⁵ Hanafi, W. M. (2025). Agricultural Land Control Based on the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016 Concerning Control of Agricultural Land Tenure. *Journal of Law, Politic and Humanities*, 5(4), 2720-2732.

as stipulated in the Ministerial Regulation of ATR/BPN No. 16 of 2021. However, in a sociological context, not all people understand or are able to access these formal legal channels, which results in many cases of inheritance distribution being carried out without a valid legal basis. Satjipto Rahardjo's legal theory regarding law as a tool of social engineering emphasizes that law must be able to respond to the social needs of the community, not just enforce procedural formalities. When legal provisions are unable to adapt to the reality of society, the gap between legal uncertainty and conflict will be more open.

On the administrative side, problems include lengthy bureaucratic procedures, non-transparent costs, and gaps in public access to land information and services. Many residents face technical difficulties in completing the requirements for splitting certificates, such as inheritance certificates, death certificates, or non-dispute certificates, especially if these documents are not available due to the lack of administrative records in the past. This condition reflects the weakness of the legal accessibility system, which is the practical and economic affordability of the law, as criticized by Friedman in his legal system theory, which emphasizes the importance of legal structure, legal substance, and legal culture. The community's low legal culture causes them to rely on informal channels or even unilateral transactions between heirs, which risks causing agrarian disputes in the future. In addition, many maladministration practices were found, including illegal levies or delays in services for no apparent reason by individuals in the land office, which further exacerbated administrative obstacles in the certificate issuance process.¹⁶

The involvement of public officials such as PPAT and notaries is also inseparable from legal issues. In some cases, the inheritance distribution deed made by a notary or PPAT turns out to contain a legal defect because a thorough verification of the status of the heirs or the validity of the inheritance documents submitted is not carried out. This is contrary to the principle of prudential administration that should be held by public officials. In the field, often officials only act as "formalities" without paying attention to the substance of the potential dispute. In fact, according to the theory of administrative due process, every action of public officials in legal services must guarantee the rights of citizens and must not cause legal losses in the future. The carelessness of PPAT or notaries in making inheritance distribution deeds can lead to lawsuits for the annulment of deeds and certificates through the courts, as reflected in a number of jurisprudence, such as in Supreme Court Decision No. 552 K/Pdt/2019, where the distribution of inherited land was canceled because the information in the inheritance deed proved invalid.

Finally, the inefficiency of the land service system and low legal literacy of the community create a fertile space for conflicts and disputes between heirs. A misunderstanding of the concept of inheritance rights and mistakes in the management of certificates often lead to dualism of ownership, overlapping certificates, or buying and selling without the consent of all heirs. Legal uncertainty over the status of inherited land can

¹⁶ Eriska, R., & Khalid, K. (2024). Resolution of Dual Land Certificate Ownership Issued by the Head of Sukajadi Village, Hinai District, Langkat Regency. *Journal of Law, Politic and Humanities*, 4(6), 2109-2118.

cause a domino effect in the form of transaction cancellations, civil lawsuits, and criminal cases such as document forgery or land grabbing. From the perspective of Gustav Radbruch's theory of legal certainty (Rechtszekerheid), this situation reflects the weak legal guarantee from the state for the lawful and orderly ownership of land administration. Therefore, it is necessary to reform inheritance regulations that are integrated with the land system, as well as to increase the capacity of institutions and legal apparatus to be able to answer the complexity of the practice of breaking inheritance certificates fairly and effectively.

Reconstruction of Legal Policies in Ensuring Certainty and Justice on the Breakdown of Heritage Land Certificates

The discussion on the reconstruction of legal policies in ensuring certainty and justice for the dissolution of heritage land certificates emphasizes the urgency of land regulation reform in order to be able to accommodate the complexity of land heritage in Indonesia which is under the shadow of legal pluralism. In practice, the process of splitting certificates for inherited land is often faced with dualism or even a trilogy of legal systems: Western civil inheritance law, Islamic inheritance law, and customary inheritance law. The three systems have fundamental differences in terms of the principle of inheritance, recognition of rights, and the mechanism of distribution of inheritance. As a result, it is not uncommon for disputes, inequality of rights, and legal uncertainty among heirs to occur. Therefore, the reform of legal policies is urgent in order to integrate the values of substantive justice that go beyond legal-formality, while maintaining the principle of certainty and order in the national land administration system.¹⁷

A reconstructive and progressive approach is needed in the formulation of new policies, namely by prioritizing the equality of rights of all heirs without discrimination of gender, age, or marital status, as well as simplifying the bureaucracy of certificate breakdown at the Land Office. The reconstruction model offered includes strengthening technical regulations by the National Land Agency (BPN), for example through the Regulation of the Head of BPN which facilitates the division of certificates based on the agreement of the heirs based on customary or Islamic law, as long as it does not conflict with the principles of justice and human rights. On the other hand, it is also necessary to strengthen the role of notaries and land deed making officials (PPAT) in integrating the principles of inheritance law pluralism into legal documents that are valid and recognized by the state. Thus, the reconstruction of this policy not only guarantees the aspect of formal legality, but also guarantees the social legitimacy and ethics of inheritance in accordance with the reality of society. This reformulation is in line with the mandate of Article 33 of the

¹⁷ Faruq, F. U., & Hariri, A. (2023). LEGAL CERTAINTY CERTIFICATE OF LAND RIGHTS UNDER NATIONAL LAW. *Progressive Law Review*, 5(02), 169-180.

1945 Constitution concerning land control by the state for the prosperity of the people, and is an integral part of the great agenda of national agrarian reform that is just and inclusive.¹⁸

Furthermore, the policy of breaking heritage land certificates should not only focus on administrative aspects, but also consider normative sociological and juridical aspects that develop in society.¹⁹ In the context of inheritance law pluralism, the state legal system should not be hegemonic or deny the existence of other living and developing legal systems, such as customary law and Islamic law. According to Satjipto Rahardjo, law should not be seen as a stagnant and rigid product, but as a tool of social engineering that is able to respond dynamically to the needs of society.²⁰ Therefore, a legal instrument that is responsive and transformative to social reality is needed, namely the diversity of inheritance systems that has long been a common practice in society. The absence of a normative framework that is able to recognize and bridge the practice of pluralistic inheritance will continue to perpetuate agrarian conflicts, inheritance discrimination, and inequality of access to land rights, which ultimately contradicts the principle of access to justice and the principle of equality before the law as stipulated in Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

In this context, it is necessary to reformulate the technical regulations of implementation, especially at the level of the Regulation of the Minister of Agrarian and Spatial Planning/Head of BPN, which can be a *lex specialis* for the recognition of pluralistic inheritance in the process of breaking land certificates. For example, the regulation of the mechanism for legalizing inheritance certificates from village heads or traditional leaders can be given the same juridical weight as notarial inheritance deeds under certain conditions, as implicitly regulated in Article 111 paragraph (1) of the Regulation of the Minister of ATR/BPN Number 18 of 2021. In addition, strengthening mediation approaches based on local values and participatory justice is also important to prevent the escalation of disputes between heirs which often leads to criminalization or restriction of access to land rights. With the integration of this approach, the reconstruction of land law policy will be able to fill the legal void (*rechtvacuum*), ensure clarity of inherited land rights, and provide normative legitimacy to the inheritance system that lives in the midst of a multicultural Indonesian society. This approach is also relevant to the responsive legal theory put forward by Philippe Nonet and Philip Selznick, which emphasizes that law must be able to adapt to the values of social justice and the moral demands of society.

¹⁸ Ananta, R. (2024). *Rekonstruksi Kebijakan Hukum Agraria Terhadap Status Tanah Eks Keraton Kasunanan Surakarta Hadiningrat Berbasis Nilai Keadilan Sosial* (Doctoral dissertation, Universitas Islam Sultan Agung (Indonesia)).

¹⁹ Hulu, F., & Gunarto, A. M. (2023). Legal reconstruction of land dispute settlement based on justice value. *Sch Int J Law Crime Justice*, 6(3), 147-153.

²⁰ Fahmi, R., Wahyuningsih, S. E., & Kusriyah, S. (2023). Legal Reconstruction of Land Dispute Regulation in Indonesia Based on Pancasila Justice. *Scholars International Journal of Law, Crime and Justice*, 6, 134-140.

CONCLUSIONS

The normative synchronization between agrarian law and inheritance law in the breakdown of inherited land certificates reflects the urgent need for legal reform that can accommodate the reality of legal pluralism in Indonesia. The incompatibility between the UUPA and the inheritance law system both customary, Islamic, and Western civil—creates normative ambiguity and uncertainty in land practice. This has a direct impact on the protection of the rights of heirs, especially women and indigenous minority groups who are often marginalized in the conventional inheritance system. The procedural dualism between proving the status of the heirs and the administrative validity of the land certificate prolongs the bureaucracy and increases the risk of agrarian disputes. This condition is exacerbated by the low accessibility of the law and the rampant maladministration practices in land institutions. It is in this context that normative harmonization cannot be understood solely as the unification of the legal system, but as a procedural integration that guarantees the certainty and justice of substantive law. Therefore, it is necessary to reconstruct technical regulations that recognize the validity of custom- and religious-based inheritance documents, as long as they do not contradict the principles of justice and the constitution. The role of notaries and PPAT must also be strengthened in ensuring the validity of inheritance documents without denying the social and cultural aspects of inheritance. The approach of legal pluralism and responsive legal theory are important conceptual frameworks in building an adaptive and participatory land system. If this synchronization is successfully realized, then the state not only guarantees the legality of inherited land, but also upholds social legitimacy and creates inclusive distributive justice. In the end, this policy is an important foundation for the implementation of a democratic, fair, and upholding the human rights of every citizen.

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