

Legal Certainty and Due Care in Land Measurement: Evaluating Inconsistency in the Land Official's Action

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Abstract

This study examines the application of the General Principles of Good Governance (AUPB), particularly legal certainty and due care, in State Administrative Decisions concerning land measurement in Indonesia, with a focus on inconsistencies in administrative reasoning. While AUPB is formally recognized as a normative standard guiding administrative action, its practical implementation remains fragmented and often fails to ensure consistent decision-making. Employing a normative juridical method with case, conceptual, and comparative approaches, this research analyzes Decision No. 39/G/2025/PTUN.JKT and Decision No. 132/G/2025/PTUN.BDG to identify patterns of inconsistency in administrative and judicial reasoning. The findings reveal that contradictory legal reasoning and inadequate verification of factual and juridical data constitute violations of AUPB, undermining the legitimacy of administrative decisions and generating legal uncertainty for rights holders. These inconsistencies reflect not merely procedural deficiencies but structural limitations in the Indonesian administrative law framework, which predominantly relies on reactive judicial control rather than preventive governance mechanisms. By comparing Indonesia with the United States administrative law system, this study highlights the importance of structured reasoning standards and ex ante procedural safeguards in ensuring accountability. The novelty of this research lies in reconceptualizing administrative inconsistency as a systemic doctrinal issue and proposing the integration of technology-based verification and digital traceability as mechanisms to operationalize legal certainty and due care. The study contributes theoretically by bridging the gap between AUPB as a normative principle and its application in adjudication, and practically by offering policy-oriented recommendations to strengthen consistency, transparency, and accountability in land administration.

Keywords: *Due Care; Inconsistency; Legal Certainty; State Administrative Court*

1. INTRODUCTION

Administration refers to the process of managing and carrying out public or official affairs, including in the land sector. According to the UNECE's Land Administration Guidelines, land administration involves determining, recording, and disseminating information on land rights, value, and use to ensure legal certainty and support land markets. In Indonesia, state land may or may not be granted land rights. Individuals can apply for rights and register land at the Land Office, including through land registration or land reform programs. Thus, land administration is a core public service, as officials' actions directly affect citizens' access to land rights.¹

Based on data presented by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), Land disputes can arise in administrative, civil, or criminal forms, often caused by incomplete documentation, weak supervision, and poor management of land

¹ Arnowo, Hadi. *Administrasi Pertanahan Di Indonesia*. Bogor: Puslitbang ATR/BPN Press, 2021.

rights.² Such conflicts may be addressed through land registration with the BPN, which requires a juridical review of land measurement documents. Since measurement itself can trigger disputes and affect existing rights, land conflicts may arise not only over ownership but also at early administrative stages.³

The concept of good governance plays a crucial role in ensuring that governmental authority is exercised properly and accountably. This requires the application of guiding principles that regulate administrative conduct. In this regard, the General Principles of Good Governance (AUPB) have a pivotal role in every governmental plan, attitude, and policy. In this regard, the General Principles of Good Governance (AUPB), particularly the principles of legal certainty and due care, serve as fundamental standards in administrative decision-making. Legal certainty requires consistency, clarity, and reliability in administrative actions to maintain public trust, while due care obliges officials to base decisions on complete and accurate data, supported by thorough verification and consideration of all relevant aspects.⁴

However, despite its normative recognition, the application of AUPB in practice remains contested. Several scholars argue that AUPB often functions merely as a formal standard without sufficient mechanisms to ensure consistent interpretation and enforcement in administrative decision-making. This creates a gap between its normative ideals and its practical implementation, particularly in cases involving the discretionary authority of administrative officials. In the context of the Administrative Court (PTUN), state administrative officials are obliged to respect rights that have been lawfully granted to citizens.⁵ Due Care requires that every administrative decision be based on complete data and documents and be taken carefully after considering all relevant aspects to avoid harm. Therefore, these principles are not merely symbolic but must be genuinely implemented in every governmental policy and administrative action.⁶ Every State Administrative Decision must rely on complete and accurate data, with careful consideration of all relevant aspects to prevent public harm.⁷ Nevertheless, in practice, the absence of clear interpretative standards often leads to inconsistent application of these principles, raising questions about the effectiveness of AUPB as a reliable framework for guiding administrative and judicial reasoning. These principles must be consistently applied in line with the AUPB, yet negligence or vested interests often lead to violations, resulting in losses, reduced public trust, and prolonged disputes.⁸

² Aris, Mohamad Syaiful, Ezra Tambunan, Dita Elvia Kusuma Putri, And Xavier Nugraha. "Penerapan Asas-Asas Umum Pemerintahan Yang Baik Dalam Penyelenggaraan Pelayanan Publik Di Lembaga Pemasyarakatan." *Litigasi* 23, No. 2 (October 31, 2022): 253–71. <https://doi.org/10.23969/litigasi.v23i2.5077>,

³ Batubara, Irma Maulani, And Muh. Reza Zulfikar. "Prosedur Penyelesaian Sengketa Tanah Di Indonesia: Tinjauan Yuridis Dan Praktis." *Legalitas : Jurnal Ilmu Hukum* 10, No. 2 (2025): 159-66. <https://doi.org/10.31293/lg.v10i2.8999>.

⁴ Rahim, Abdur, Silvi Aulia, Susanti Susanti, Muhamad Arifin, And Slamet Riyadi. "Relevansi Asas Kepastian Hukum Dalam Sistem Penyelenggaraan Administrasi Negara Indonesia." *Jiip - Jurnal Ilmiah Ilmu Pendidikan* 6, No. 8 (August 1, 2023): 5806–11. <https://doi.org/10.54371/jiip.v6i8.2575>.

⁵ Rahim, "Relevansi Asas Kepastian Hukum."

⁶ Ritonga, Joni Sandri, Rahma Fitri Amelia Hasibuan, Annisa Putri Sinaga, M. Fazli Pratama, Vressilia Witama, Faiz Putra Ramadhan Lubis, And Nadilah Andini. "Penerapan Asas-Asas Umum Pemerintahan Yang Baik Dalam Putusan Peradilan Tata Usaha Negara." *Case Law: Journal of Law* 6, No. 1 (2025): 1–12. <https://doi.org/https://doi.org/10.25157/caselaw.v6i1.4731>.

⁷ Ritonga, "Penerapan Asas-Asas Umum Pemerintahan Yang Baik."

⁸ Widayanti, Ana Maria Gadi Djou, Kuswarini, Sri Hartati, And Heri Budiarto. "Tanggung Jawab Hukum Aparatur Negara Atas Keputusan Administratif Yang Melanggar Asas-Asas Umum Pemerintahan Yang Baik (AUPB)." *Jurnal Kolaboratif Sains* 7, No. 12 (2024): 4671–76. <https://doi.org/10.56338/jks.v7i12.6583>.

In Decision No. 39/G/2025/PTUN.JKT, the Plaintiff applied for a land measurement as part of the land registration process, but the request was rejected based on the existence of an SHGB deemed to have expired. The inconsistency arose because the same official had previously stated that the Building Use Right Certificate (SHGB) had expired and the land had reverted to state land, yet later relied on that SHGB as the legal basis to refuse the measurement. The court therefore examined not ownership, but the inconsistency in the administrative reasoning, which created legal uncertainty and reflected a violation of the Principle of Legal Certainty. Furthermore, in Decision No. 132/G/2025/PTUN.BDG, the Plaintiff held a valid Ownership Certificate issued in 1997 and had long possessed the land without dispute. However, the Land Office later issued another overlapping Ownership Certificate over the same parcel. This action demonstrated a lack of careful verification of land history and registration data, amounting to administrative negligence and a violation of the Principle of Due Care, ultimately causing legal uncertainty for the rightful holder.

From a comparative perspective, the United States Administrative Procedure Act provides a more structured framework for judicial review, allowing courts to assess not only the legality of authority but also the rationality and consistency of its exercise. Administrative actions that are arbitrary or inadequately reasoned may be invalidated, thereby promoting careful and accountable decision-making. In contrast, although AUPB principles are formally recognized in Indonesia, their application remains less structured and tends to be reactive, allowing inconsistencies in administrative reasoning to persist. This comparison highlights the need for a more systematic approach to evaluating administrative decisions within the Indonesian context.⁹

Previous studies have examined land administration and AUPB, each with different focuses and limitations. The study by Rahim (2023) highlights the importance of legal certainty in maintaining stable administrative decisions and protecting citizens' rights. However, while conceptually strong, it does not address officials' inconsistency in concrete cases.¹⁰ The study by Rini (2024) analyzes legal protection against positive fictitious decisions but is limited to authority issues and does not address changes in officials' stances on already issued decisions.¹¹ The study by Widayanti (2024) examines state officials' accountability for AUPB violations but does not specifically address decision inconsistencies in land administration disputes.¹² Taken together, these studies reveal an unresolved conceptual problem: the lack of integration between administrative discretion, the principle of legal certainty, and mechanisms of judicial control. In particular, there is no clear doctrinal framework explaining how inconsistencies in administrative decisions should be assessed when officials exercise discretionary powers that

⁹ Ritonga, Joni Sandri, Audi Lestari Sihotang, Arya Pratama Nazara, Faiz Abdul Aziz Sitorus Pane, Lukmanul Hakim, Lokot Hasanah Harahap, And Muhammad Riyan Prasetya. "Perbandingan Hukum Administrasi Antara Indonesia Dan Amerika Serikat." *Innovative: Journal Of Social Science Research* 5, No. 2 (2025): 651–63. <https://doi.org/10.31004/innovative.v5i2.18332>.

¹⁰ Rahim, "Relevansi Asas Kepastian Hukum."

¹¹ Dhesinta Rini, Wafia Silvi, And Clarisa Permata Hariono Putri. "Penggunaan Sarana Hukum Administrasi Negara Dalam Menyikapi Ketidakpastian Penerapan Norma Keputusan Fiktif Positif." *Konferensi Nasional Asosiasi Pengajar Hukum Tata Negara Dan Hukum Administrasi Negara* 2, No. 1 (December 31, 2024): 349–82. <https://doi.org/10.55292/k9ehx312>.

¹² Widayanti, "Tanggung Jawab Hukum."

contradict prior lawful decisions. This gap is not merely empirical but reflects a deeper theoretical deficiency in administrative law. Inconsistency in administrative actions undermines legal certainty, challenges the principle of due care, and raises questions regarding the limits of discretion and the role of judicial review in correcting such contradictions.

Accordingly, this research addresses this conceptual gap by examining inconsistency in land administration decisions as a structural issue within administrative law. It analyzes how such inconsistencies should be evaluated in light of legal certainty and due care, while also considering comparative practices in other jurisdictions to identify more coherent approaches. In this context, this study examines the interaction between administrative discretion and the limitations imposed by the principles of legal certainty and carefulness. Based on these considerations, this study aims to examine inconsistencies in the decisions of administrative (TUN) officials through the lens of the principles of legal certainty and due care, while also developing technology-based legal solutions to enhance consistency and promote the application of due care by TUN officials in ensuring legal certainty.

2. METHOD

This research employs a normative juridical method focusing on the analysis of legal norms governing administrative actions of State Administrative (TUN) officials, particularly in relation to inconsistencies in decision-making. This method is specifically relevant to the research problem, as the issue of administrative inconsistency is not merely factual but concerns deviations from normative standards, especially the principles of legal certainty and due care within the framework of Administrative Law and AUPB. In this regard, the normative juridical approach is not only used to describe existing legal norms but also to critically evaluate whether administrative practices that produce contradictory decisions constitute deviations from these norms, thereby positioning inconsistency as a doctrinal problem within administrative law. Accordingly, the study examines whether contradictory administrative decisions can be justified under existing legal norms and principles.

The case approach is used to analyze Decision Number 39/G/2025/PTUN.JKT and Decision Number 132/G/2025/PTUN.BDG. These cases are selected based on their legal significance and representativeness, as both involve contradictory administrative decisions concerning the same land object and explicitly address violations of AUPB principles in judicial reasoning. Furthermore, these decisions reflect recurring issues in land administration practices, making them suitable for examining patterns of inconsistency in administrative reasoning.

The conceptual approach is applied to examine legal doctrines, theories, and scholarly opinions regarding the principles of legal certainty and due care, in order to establish normative benchmarks for assessing the legality and consistency of administrative decisions. These benchmarks function as analytical standards that are subsequently applied within the case approach to evaluate the reasoning adopted by administrative officials and the courts. The comparative approach is conducted by comparing the Indonesian administrative system with the United States administrative law framework. The basis of comparison lies in the regulation and application of principles governing administrative decision-making and judicial review. The comparative findings are then used to assess the adequacy of the Indonesian framework

and to enrich the evaluation derived from the case and conceptual analyses, thereby ensuring that all approaches are analytically interconnected rather than operating separately.

The specification of this research is descriptive-analytical, meaning that it systematically describes legal facts and administrative disputes while critically analyzing them within the framework of HAN. The technique for collecting legal materials is conducted through library research, which includes primary legal materials (statutory regulations and court decisions), secondary legal materials (books, academic journals, and expert opinions), and tertiary legal materials (official documents and other supporting sources). All legal materials are selected based on their relevance, classified according to their type, and systematically processed to support a structured legal analysis.

The analysis is carried out through systematic interpretation of legal norms, doctrines, and judicial decisions, using a deductive reasoning method to assess the conformity of administrative practices with the principles of legal certainty and due care. Through this approach, the study evaluates whether inconsistencies in administrative decisions constitute violations of AUPB and identifies their legal implications.

The scope of this research is limited to a normative analysis of the actions of TUN officials who issue contradictory decisions, without involving empirical field research. The study focuses on the consistency of norms, the authority of officials, and their conformity with AUPB to ensure legal certainty for the public.

3. RESULT AND DISCUSSION

3.1 Inconsistency of State Administrative Decisions Based on the Principles of Legal Certainty and Due Care

In the land sector, administration encompasses the processes of determining, recording, and disseminating information regarding land rights, land value, and land use in order to ensure legal certainty.¹³ However, problems do not always arise at the stage of ownership disputes; they often emerge at the early administrative stages, such as land measurement or the issuance of certificates. Data from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) indicate that public complaints related to land conflicts remain high, some of which are linked to inconsistent administrative actions by land officials.¹⁴ This indicates that deficiencies in administrative processes are not merely technical issues, but may reflect failures to uphold the principles of legal certainty and due care within the framework of AUPB. Moreover, these recurring deficiencies may also indicate deeper structural weaknesses in administrative governance, particularly in the standardization of decision-making processes and the supervision of land officials. Rather than isolated errors, such inconsistencies may reflect systemic gaps in institutional design that allow discretionary powers to be exercised without sufficient accountability mechanisms.

¹³ United Nations Economic Commission For Europe (UNECE). Land Administration Guidelines. Geneva: United Nations, 1996.

¹⁴ Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional (ATR/BPN), Data Pengaduan Sengketa Pertanahan.

The inconsistency is clearly reflected in Decision No. 39/G/2025/PTUN.JKT and Decision No. 132/G/2025/PTUN.BDG. In Decision No. 39/G/2025/PTUN.JKT, the Head of the West Jakarta Land Office, rejected an application for land measurement because a SHGB served as the legal basis for control over the land, while previously declaring that the same SHGB had expired and that the land had reverted to state land. The legal issue concerns whether the use of the same SHGB to support two contradictory positions constitutes a lawful and consistent administrative action. This situation demonstrates a violation of the principle of legal certainty, as the official failed to provide a stable and predictable determination of the land's legal status. The contradictory reasoning creates ambiguity for the applicant and undermines the reliability of administrative decisions. Furthermore, it reflects a breach of the principle of due care, as the official did not conduct a coherent and comprehensive legal assessment before issuing the decision, resulting in a defect in administrative reasoning.¹⁵ From a broader perspective, this inconsistency may also be linked to the exercise of administrative discretion. While discretion is inherent in administrative decision-making, its use must remain bounded by principles of legality and accountability. In this case, the absence of a clear justification for shifting legal positions suggests that discretion was exercised without adequate normative control, thereby undermining both predictability and public trust.

In Decision No. 132/G/2025/PTUN.BDG, the Head of the Bogor Regency Land Office issued and maintained a certificate that overlapped with a Freehold Title Certificate (SHM) belonging to the Plaintiff, which had existed since 1997. The legal issue concerns whether the issuance of a certificate without adequate verification of prior registration data constitutes a lawful administrative act. The facts indicate that the official failed to examine the land's history, relied on unsynchronized physical and juridical data, and did not verify existing registration records. This constitutes a violation of the principle of due care, as the decision was made without thorough investigation and verification. In addition, it also violates the principle of legal certainty, since the issuance of an overlapping certificate creates uncertainty for an already registered rights holder. The administrative negligence directly resulted in concrete legal and economic harm, demonstrating that inaccuracies in verification processes can invalidate the reliability of administrative decisions.¹⁶ This form of administrative failure primarily reflects negligence rather than intentional abuse of power. However, when such negligence occurs systematically, it raises concerns regarding the adequacy of institutional safeguards, particularly in ensuring that verification procedures are consistently implemented and monitored.

Taken together, these two cases demonstrate that administrative inconsistency is not only a legal issue but also a systemic concern, as this uncertainty is not merely administrative in nature; it also affects citizens' economic and social rights, as illustrated in Decision No. 132/G/2025/PTUN.BDG, where the rights holder was unable to transfer the title or optimally utilize the land as an object of transaction. The inconsistent administrative decisions potentially violate the AUPB, particularly the principles of legal certainty and carefulness as stipulated in Article 10 Law of the Republic of Indonesia Number 30 of 2014 on Government

¹⁵ Indonesia. State Administrative Court Of Jakarta Decision Number 39/G/2025/PTUN.JKT.

¹⁶ Indonesia. State Administrative Court Of Bandung Decision Number 132/G/2025/PTUN.BDG.

Administration (Law No. 30 of 2014).¹⁷ Inconsistency may erode public trust in land administration, as the public may question the finality and legitimacy of officials' decisions that are intended to provide legal protection. Decisions that fluctuate without a lawful and transparent revocation mechanism may be characterized as actions inconsistent with the principles of AUPB and may give rise to legal liability for the officials concerned. At a systemic level, such patterns of inconsistency may indicate weaknesses in institutional coordination and data integration within land administration. The persistence of overlapping claims and contradictory decisions suggests that the administrative system may lack an effective mechanism for ensuring coherence between physical and juridical data, thereby contributing to recurring legal uncertainty.

Land officials, as TUN officials, hold a strategic role in ensuring legal certainty in the agrarian sector, as every administrative action they undertake has direct implications for the recognition, protection, and limitation of land rights. Within the framework of administrative law, the authority of land officials derives from statutory regulations, particularly the Basic Agrarian Law and its implementing regulations, and is subject to Law No. 30 of 2014 on Government Administration.¹⁸ Within this framework, every KTUN must comply not only with formal legality but also with substantive standards, including consistency in reasoning and accuracy in factual and juridical assessment. Failure to meet these standards may render the decision legally defective.

From the perspective of the AUPB, the principle of legal certainty requires that every decision be based on clear statutory provisions, free from multiple interpretations, and applied consistently. Legal certainty also implies stability and continuity in administrative conduct. Officials are not permitted to issue conflicting decisions concerning the same object without a lawful revocation or annulment mechanism in accordance with legal procedures. If a prior decision remains valid and has not been formally revoked, a subsequent decision that substantially contradicts it may violate the principle of legal certainty and create uncertainty for the public.¹⁹ In the context of Decision No. 39/G/2025/PTUN.JKT, this requirement is not fulfilled, as the official's contradictory use of the SHGB creates multiple interpretations of the same legal object. Such inconsistency reflects instability in administrative conduct and constitutes a clear breach of legal certainty. A valid administrative system requires that decisions concerning the same object remain consistent unless formally revoked through lawful procedures. Failure to ensure such consistency not only constitutes a doctrinal violation of legal certainty but may also signal deficiencies in institutional design, particularly in maintaining decision continuity and record integrity across administrative processes.

Furthermore, the principle of due care obliges officials to conduct a thorough examination and investigation before making a decision.²⁰ In the land administration context, due care includes overlapping rights and considers the interests of third parties who may be affected by the

¹⁷ Indonesia. Law Number 30 Of 2014 Concerning Government Administration. Jakarta: State Secretariat, 2014. Article 10 and 17.

¹⁸ Law Number 30 Of 2014.

¹⁹ Polrendyo Polrendyo, Ika Devy Pramudiana, And Eny Haryati. "How 'Good' Governance In Indonesia? A Systematic Literature Review." *Jurnal Hukum, Administrasi Publik Dan Negara* 2, No. 5 (September 1, 2025): 63–86. <https://doi.org/10.62383/hukum.v2i5.582>.

²⁰ Hadjon, Philipus M. *Pengantar Hukum Administrasi Indonesia*. Surabaya: PT Bina Ilmu, 1987.

decision. Officials must not rely solely on partial or unverified administrative data, as land-related decisions carry long-term consequences for proprietary rights.²¹ In this regard, due care should be understood not merely as an individual obligation of officials, but also as an institutional standard that requires the availability of reliable data systems and effective verification mechanisms. The absence of such systemic support increases the risk of administrative negligence. In Decision No. 132/G/2025/PTUN.BDG, this obligation is clearly violated, as the official failed to verify existing data and examine the land's historical registration. In administrative law doctrine, such failure reflects negligence in the decision-making process, where the absence of proper verification leads to materially defective outcomes. This demonstrates that due care is not merely procedural, but a substantive requirement to ensure that decisions are factually and legally accurate.

Accordingly, the duties of land officials extend beyond formal administrative actions to include substantive responsibility for ensuring rationality, consistency, and accuracy in decision-making. The cases demonstrate that when these obligations are disregarded, administrative decisions not only become legally defective but also produce broader consequences in the form of legal uncertainty and public distrust²²

The issue in Decision No. 39/G/2025/PTUN.JKT concerns the legality and consistency of administrative actions by TUN officials. The party involved faced legal uncertainty over land already legitimized by a prior decision. The errors include: (1) violation of the principle of legal certainty, as the official issued a conflicting decision without formally revoking the earlier one; and (2) violation of the principle of due care, due to failure to thoroughly examine the land's history, verify data, and consider the existing decision before issuing a new ruling. These errors primarily fall within the category of legal error, as the inconsistency arises from contradictory legal reasoning applied to the same legal object, rather than from factual misverification or intentional misuse of authority.

Land measurement consists of two types: systematic and sporadic. Under Article 1 points (3) and (4) of Ministerial Regulation of ATR/BPN No. 7 of 2019, systematic measurement is conducted comprehensively within one or more villages as part of systematic land registration, while sporadic measurement is carried out upon individual application for specific land parcels.²³ Furthermore, Article 35A of Ministerial Regulation of ATR/BPN No. 16 of 2021 stipulates that in the granting of land rights, the land parcel map resulting from measurement must include thematic elements, such as information on forest areas, spatial planning conformity, conservation areas, forestry and mining permit areas, partnership plantation areas (for HGU), other natural resource utilization permits, and thematic maps containing data on land control, ownership, use, and utilization.

²¹ Hutabarat, Suhendra Asido. "Pancasila Sebagai Sumber Dari Segala Sumber Hukum Negara Untuk Mewujudkan Kepastian Hukum Dan Keadilan Hukum Dalam Putusan Hakim Ditinjau Dari Sistem Hukum Yang Berlaku Di Indonesia." *Disertasi*, Universitas Kristen Indonesia, 2023. <http://repository.uki.ac.id/id/eprint/13450>.

²² Hutabarat, "Pancasila Sebagai Sumber Dari Segala Sumber Hukum."

²³ Indonesia. Minister Of Agrarian Affairs And Spatial Planning/Head Of National Land Agency Regulation Number 7 Of 2019.

Article 79 further provides that once a measurement order is received, the survey officer must prepare by planning the measurement on the registration map or other qualified maps, conducting risk analysis and mitigation planning regarding potential issues related to the parcel to be measured, checking the equipment and availability of technical reference points, and notifying the applicant in writing or through other communication media regarding the time for boundary determination and measurement.

Therefore Land measurement is an essential procedure in granting land rights to ensure clear location and boundaries. Without it, disputes over area, overlap, and legal status may arise. Article 35A of Regulation No. 16 of 2021 affirms that measurement not only determines physical boundaries but also ensures compliance with spatial planning and licensing. Article 79 further requires prior planning to prevent administrative errors. Without lawful measurement, a land certificate may lack validity and be subject to annulment.²⁴

In Decision No. 39/G/2025/PTUN.JKT, the violation lies in contradictory legal reasoning toward the same land object, reflecting a breach of the principle of legal certainty. Meanwhile, in Decision No. 132/G/2025/PTUN.BDG, the issue concerns administrative negligence in verification, particularly the failure to thoroughly examine land history and registration data, which primarily constitutes a violation of the principle of due care. This situation is best categorized as administrative negligence, as the defect lies in the failure to properly verify and examine relevant data, rather than in the misinterpretation of legal norms or deliberate abuse of authority.

The difference lies in the primary focus of the violation in Decision No. 39/G/2025/PTUN.JKT, the main issue is the legal inconsistency of the official's stance toward the same object, whereas in Decision No. 132/G/2025/PTUN.BDG, the central issue is administrative negligence resulting in a legally defective decision. However, both actions lead to the creation of legal uncertainty regarding land status and the disruption of the protection of citizens' rights. Therefore, these two cases serve as concrete examples that legal certainty and due care are not independent principles, but rather interrelated standards that function as primary benchmarks in assessing the legality of land officials' actions in issuing KTUN.

The comparison between Indonesia and the United States is conducted based on a key parameter, namely the distinction between preventive and reactive administrative control mechanisms in ensuring consistency and due care in decision-making. This parameter is particularly relevant to the research problem, which concerns inconsistencies in administrative reasoning by TUN officials.²⁵ Beyond its functional role as a comparison parameter, this distinction also reflects a broader difference in administrative law paradigms, where preventive systems emphasize ex ante control and procedural discipline, while reactive systems rely more heavily on ex post judicial correction.

In Indonesia, the administrative law system predominantly relies on reactive mechanisms, where the assessment of legal certainty and due care is conducted after a decision has been

²⁴ Indonesia. Minister Of Agrarian Affairs And Spatial Planning/Head Of National Land Agency Regulation Number 16 Of 2021.

²⁵ Medina. "Kepastian Hukum Dalam Penguasaan Tanah Negara Dan Implikasi Pendaftarannya." Master's Thesis, Universitas Hasanuddin, 2024. <https://repository.unhas.ac.id/id/eprint/41242/>.

issued and challenged before the State Administrative Court (PTUN). As reflected in Decision No. 39/G/2025/PTUN.JKT and Decision No. 132/G/2025/PTUN.BDG, inconsistencies and inaccuracies in administrative decisions are only identified and corrected through judicial review. This model places significant dependence on litigation, which may resolve disputes but does not effectively prevent the occurrence of inconsistent administrative reasoning at the initial stage. This reliance also reflects a legal-administrative culture that positions judicial review as the primary safeguard of legality, rather than embedding preventive controls within the administrative process itself.

In contrast, the United States administrative law system, particularly under the Administrative Procedure Act, incorporates preventive procedural safeguards that are directly relevant to minimizing inconsistency. The requirement of reasoned decision-making, tested through the “arbitrary and capricious” standard, ensures that administrative actions must be logically coherent and consistent with prior positions. In addition, mechanisms such as notice and comment rulemaking introduce early-stage scrutiny by requiring agencies to disclose draft decisions and respond to public input. These procedures function not merely as formalities, but as instruments to detect and correct potential inconsistencies before a decision is finalized.²⁶ Such mechanisms also reflect a different legal culture, where transparency, participation, and justification are embedded as integral components of administrative legitimacy, rather than as external controls applied after a dispute arises.

Based on this comparison, it can be seen that Indonesia still tends to rely on corrective or reactive mechanisms after an administrative decision has been taken, whereas the United States builds preventive procedural controls from the outset of the decision-making process to minimize potential inconsistency. Thus, the difference between the two systems is not merely technical, but paradigmatic, concerning how legality and administrative accountability are constructed within each system. Therefore, Indonesia may consider adopting elements of this preventive approach, particularly by strengthening procedural transparency, imposing a more structured and well-documented obligation to provide reasons, and enhancing public participation mechanisms prior to the issuance of decisions.²⁷

The principle of legal certainty requires that officials exercise authority consistently and in accordance with its intended purpose. When decisions are inconsistent, citizens cannot predict how the law will be applied, resulting in legal uncertainty and loss of trust. This is consistent with the view that public authority must be exercised in good faith, fairly, and within its legal limits. In the examined cases, the inconsistency and inaccuracy of administrative actions demonstrate a failure to meet these standards, thereby violating the principle of legal certainty and due care.²⁸

As explained by Dwi Putra Nugraha in the book “Desain Konstitusi Keseimbangan Bermartabat Rekonstruksi Pengaturan Politik Identitas dalam Pemilihan Kepala Pemerintah

²⁶ Maharudin, Didy. “Good Governance In Public Service Delivery: A Systematic Literature Review Of Models And Best Practices Across Countries.” *Jurnal Ilmiah Pemerintahan* 13, No. 3 (2025): 147-209. <https://doi.org/10.35450/jip.v13i03.1403>.

²⁷ Ritonga, “Perbandingan Hukum Administrasi.”

²⁸ Widayanti, “Tanggung Jawab Hukum.”

Daerah”, referring to Tom Bingham view on the rule of law, every public official at all levels of government is required to exercise authority in good faith, fairly, in accordance with the purpose for which the authority was granted, and without exceeding its limits. This perspective is directly aligned with the Principle of Legal Certainty. The principle requires that every decision and action of officials be based on clear rules, applied consistently, and rationally accountable. Therefore, every decision must reflect the normative purpose underlying that authority.²⁹ If an official’s action or decision changes inconsistently or is no longer aligned with the original purpose for which the authority was granted, such action can no longer be regarded as the exercise of authority carried out in good faith and with due care.

The conception of Pancasila as the legal ideal *cita hukum* and at the same time as the fundamental norm of the state, as explained by Dwi Putra Nugraha in “Pancasila dalam Pusaran Politik Identitas Rekognisi Hukum dan Politik atas Politik Identitas dalam Pemilihan Kepala Pemerintah Daerah”, provides a normative foundation for assessing the administrative actions of TUN officials. Pancasila is not merely understood as a philosophical value, but as a binding norm that shapes the substance, form, and process of law-making and governmental action. With such a position, every exercise of administrative authority must be aligned with the values of justice, legal certainty, and responsibility embodied in Pancasila.³⁰

The actions of TUN officials in the two decisions can be analyzed more specifically through the perspective of the Principle of Accuracy as part of the AUPB. Within the framework of administrative law, the principle of accuracy requires that every decision and or action of an official be based on comprehensive examination, adequate verification, and accurate legal and factual considerations before a decision is issued. This principle is also related to the obligation of officials to ensure that all physical and juridical data have been thoroughly examined in order to prevent administrative errors that may harm citizens.³¹

In the context of Decision No.39/G/2025/PTUN.JKT, the action indicates that the official didn’t conduct a systematic legal evaluation of the land status before taking further action. Administratively, such conduct reflects a failure to harmonize internal data and documentation, as well as the absence of a clarification mechanism or revocation of the previous decision in accordance with procedural requirements. This error demonstrates a defect in the process of file examination and administrative record review, which should constitute a mandatory stage before the issuance or rejection of a KTUN.

Meanwhile, in Decision No. 132/G/2025/PTUN.BDG, the issuance of a certificate overlapping with an SHM that had been registered since 1997 indicates negligence in conducting historical tracing of the land, verification of juridical data, and synchronization of physical data with the registration map. In the land administration system, the data examination stage is an essential procedure aimed at preventing overlapping rights. When officials fail to carry out thorough verification of existing data in the land book and other public registers, the resulting decision

²⁹ Nugraha, Dwi Putra. *Desain Konstitusi Keseimbangan Bermartabat: Rekonstruksi Pengaturan Politik Identitas Dalam Pemilihan Kepala Pemerintahan Daerah*. Jakarta: Rajawali Pers, 2022.

³⁰ Nugraha, Dwi Putra. *Pancasila Dalam Pusaran Politik Identitas: Rekognisi Hukum Dan Politik Atas Politik Identitas Dalam Pemilihan Kepala Pemerintah Daerah*. Jakarta: Rajawali Pers, 2023.

³¹ Law Number 30 Of 2014. Article 10.

potentially contains an administrative defect and violates the precautionary principle.³² Thus, such actions demonstrate that technical errors can transform into violations of administrative law because they contradict the duty of accuracy inherent in public office.

Conceptually, the principle of accuracy functions as a preventive instrument to ensure that every KTUN is not produced through a careless process. The lack of accuracy in both cases shows that administrative errors have juridical implications for the validity of decisions. Therefore, a violation of the principle of accuracy in the actions of land officials not only results in procedural defects but also gives rise to legal uncertainty and the potential annulment of the decision by the PTUN.³³

Within the Indonesian system, the core issue is in the weakness of preventive mechanisms that ensure consistency and thoroughness before a decision is issued. When an official changes an administrative stance without formal revocation or issues a decision without comprehensive verification, such conduct substantively contradicts the principles of accuracy and legal certainty, because the decision is not based on stable and accountable factual and juridical considerations.

When compared to the administrative law system in the United States through the Administrative Procedure Act, it becomes evident that procedural obligations have been designed as preventive instruments to minimize inconsistency from the policy formulation stage. The notice and comment rulemaking mechanism requires the publication of draft regulations and opens space for public participation before enactment. Furthermore, judicial review under the “arbitrary and capricious” standard strengthens the requirement that every administrative action must be grounded in logical and consistent reasoning. Transparency also grants public access to information to oversee governmental decision-making processes. Thus, institutionally, the United States system positions legal certainty and accuracy not merely as normative principles, but as procedural obligations tested both before and after a decision is issued.³⁴

This comparison underscores that inconsistent or inaccurate actions by TUN officials in Indonesia demonstrate a misalignment between norms and practice. The implementation relies more heavily on corrective mechanisms through the PTUN after a dispute arises. This model risks creating dependence on litigation as a means of remedy rather than preventing errors from the outset. It also indicates that judicial review in Indonesia functions predominantly as a corrective institution, whereas in the United States, it operates both as a corrective and a standard-setting mechanism that indirectly shapes administrative behavior. Therefore, it is necessary to strengthen institutional design to bridge the gap between norms and practice, particularly by integrating preventive mechanisms such as broader transparency obligations, public participation in strategic decisions, and documented and auditable administrative verification standards.

³² Santoso, Urip. *Hukum Agraria Dan Hak-Hak Atas Tanah*. Jakarta: Kencana, 2012.

³³ HR, Ridwan. *Hukum Administrasi Negara*. Jakarta: Rajawali Pers, 2018.

³⁴ Ritonga, “Perbandingan Hukum Administrasi.”

Ultimately, the comparison demonstrates that the issue of inconsistency in administrative decision-making cannot be understood merely as a matter of procedural deficiency, but must be situated within a broader divergence in administrative law paradigms. While Indonesia continues to rely on *ex post* judicial correction as the primary mechanism for ensuring legality, the United States embeds legality within the decision-making process itself through preventive procedural obligations. Therefore, strengthening administrative consistency in Indonesia requires not only regulatory reform but also a paradigmatic shift toward institutionalizing accountability, transparency, and reasoned decision-making as inherent elements of administrative governance.

Based on this comparative analysis, the needed solution is not new norms, but reforming administrative oversight to be more preventive and systematic. This includes strengthening reasoned decision-making, standardizing verification procedures, and expanding public access to land information. Such measures can prevent inconsistency early on and ensure that legal certainty and due care function as practical guidelines, not merely judicial review standards.

3.2 Technology-Based Legal Solutions to Ensure Legal Certainty and Due Care

Article 1, point 8 of the Law of the Republic of Indonesia Number. 51 of 2009 concerning the Second Amendment to Law No. 5 of 1986 on the PTUN (Law No. 51 of 2009) defines a State Administrative Body, or Official carries out governmental affairs pursuant to prevailing laws and regulations. Clearly, land officials fall within the category of TUN officials because they exercise state authority in the land sector. The authority to conduct land registration is granted to the BPN pursuant to Article 5 of Government Regulation No. 24 of 1997 on Land Registration.³⁵

In performing their duties, land officials must provide juridical, sociological, and philosophical considerations when issuing an administrative decision, as stipulated in Article 55 paragraph (1) of Law No. 51 of 2009. Furthermore, Article 52 paragraph (2) provides that a KTUN is valid only if it is based on statutory regulations and the AUPB. Thus, an administrative decision must rest upon a clear and lawful legal basis and must comply with AUPB. Beyond formal legality, officials must also take into account moral, ethical, and societal values. These two aspects, statutory law and AUPB, are inseparable in assessing the validity of an administrative act.³⁶

Although the law clearly regulates the responsibilities of land officials, Indonesia still faces challenges in preventing inconsistent administrative decisions, particularly due to the absence of an integrated technological system that would allow the public to transparently monitor officials' decisions and the legal reasoning underlying them.³⁷ Every application for land measurement, registration, or certificate issuance must undergo an integrated land history tracing mechanism, synchronization of physical and juridical data, and a comprehensive review of prior land registration records. The nationwide integration and digitalization of the land administration system also constitute an essential step to prevent overlapping certificates

³⁵ Indonesia. Law Number 51 Of 2009 On The Second Amendment To Law Number 5 Of 1986 On State Administrative Court.

³⁶ Law Number 51 Of 2009.

³⁷ Decision 39/G/2025/PTUN.JKT.

resulting from inconsistencies in data across regions or administrative periods. In addition, it is necessary to reaffirm the obligation of officials to provide clear, consistent, and legally grounded reasoning in every decision, in order to ensure compliance with the principles of legal certainty and due care. However, it is important to note that such inconsistencies cannot be attributed solely to the absence of technological systems, but also to the broad scope of administrative discretion and the lack of uniform interpretative standards among officials. Therefore, digitalization should be understood as a supporting mechanism rather than a complete solution to normative issues of accountability and discretion.

In this context, digitalization and verification systems should not be viewed merely as technical upgrades, but as practical tools that support the implementation of good governance principles. Digital systems enable decisions to be properly recorded and traceable, which helps strengthen legal certainty and reduces the risk of inconsistent or overlapping decisions. This aligns with findings that digital transformation has a positive impact on transparency, as the use of platforms such as e-budgeting, e-office, and public performance dashboards expands public access to information and enhances institutional accountability. At the same time, verification mechanisms contribute to due care by ensuring that decisions are based on validated and reliable data.³⁸ The relevance of digitalization and verification systems lies not only in their efficiency but in their ability to support the consistent application of AUPB in administrative decision-making. In this way, technological development can function as a supporting instrument to ensure that administrative actions remain accountable and aligned with the principles of good governance. Nevertheless, the assumption that technological solutions are inherently beneficial must be critically assessed, as over-reliance on digital systems may introduce new risks such as data inaccuracies, system errors, and reduced human judgment in decision-making processes. These risks may directly affect the validity of administrative decisions if not properly regulated. Therefore, the implementation of digital systems must be accompanied by legal safeguards, including mechanisms for data verification, correction of errors, and clear allocation of responsibility between officials and technological systems. Furthermore, technology should not be seen as replacing AUPB, but as reshaping how these principles are applied, requiring continuous human oversight and legal reasoning.

From the perspective of strengthening legal norms, it must be emphasized that any administrative action that is inconsistent or lacks due care not only has implications for the annulment of a KTUN by the PTUN, but may also give rise to administrative liability and even civil liability if it is proven to have caused harm to the public. More effective internal supervisory mechanisms are required, along with the firm imposition of administrative sanctions against officials who act negligently or inconsistently. The affirmation of such legal consequences is crucial to create a deterrent effect and to promote a culture of Due Care in administrative decision-making.³⁹

³⁸ Hwihanus, Maulidah Narastri, and Muhammad Taufiq Hidayat, "Transformasi Digital dan Pemanfaatan Teknologi dalam Meningkatkan Efisiensi dan Transparansi Kinerja Instansi Pemerintah," *Journal of Management and Accounting* 8, no. 2 (2025): 203, <https://doi.org/10.52166/j-macc.v8i2.10159>

³⁹ Evangelina Nikolaevna, Gribova. "The Principle Of Legal Certainty: Concept And Main Characteristics." *Advances In Sciences And Humanities* 9, No. 2 (June 10, 2023): 68-75. <https://doi.org/10.11648/j.ash.20230902.18>.

Furthermore, Public access to objections and administrative appeals must be strengthened as early corrective mechanisms without waiting for court rulings. Final and binding PTUN decisions should be consistently implemented and used for internal evaluation. Protecting citizens' land rights requires a preventive and accountable system through stronger verification, consistent legal reasoning, effective oversight, and clear official accountability to uphold legal certainty and due care.

Based on the comparison between Indonesia and the United States, several measures can be adopted to reinforce the principles of legal certainty and due care within Indonesia's administrative system. First, state officials should move beyond merely citing legal provisions and instead engage in thorough, substantive legal analysis to ensure that every decision is logically consistent, well-reasoned, and appropriately grounded in the applicable legal framework. Second, the oversight system should be strengthened in a preventive direction, not limited to reactive judicial review before the PTUN after disputes arise. This can be achieved by enhancing internal supervisory mechanisms, improving administrative transparency, and expanding public access to relevant documents and information. Third, public participation should be further institutionalized so that citizens are not positioned solely as regulated parties, but also as active contributors in monitoring and evaluating governmental actions, thereby promoting accountability and minimizing administrative inconsistency. The public should not be separated from the concept of governance itself, since government inherently includes its citizens, not only its officials. In order to realize these three solutions, innovative and forward-looking institutional ideas are required to transform the current administrative framework into one that is more accountable, transparent, and participatory.⁴⁰

These reforms are based on the obligation of administrative officials to act in accordance with statutory law and the principles of good governance, as reflected in Law No 30 of 2014 and Law No 51 of 2009. These frameworks require that every administrative decision be lawful, properly justified, and consistent, while also ensuring legal certainty, transparency, and due care. Officials must not only rely on valid legal authority but also ensure that their decisions are supported by clear reasoning and accurate information. Legal certainty requires decisions to be predictable and aligned with existing rules, while due care requires careful assessment of facts and proper verification of data.

These standards must be implemented through concrete mechanisms within the administrative system, including integrated digital platforms to centralize data, standardized verification procedures to ensure data accuracy, real-time audit trails to track decisions, and transparent systems that allow public access to information. In this regard, digital technology should not be understood merely as an administrative tool, but as a strategic foundation for building adaptive and accountable governance that is oriented toward results. The use of digital governance has been shown to shorten bureaucratic processes, reduce overlapping procedures, and strengthen coordination across institutions, which supports more consistent and reliable decision-making. At the same time, these mechanisms ensure that legal principles are applied

⁴⁰ Ritonga, "Perbandingan Hukum Administrasi."

in practice rather than remaining theoretical. However, the effectiveness of these systems ultimately depends on regulatory readiness and the capacity of public officials to manage them consistently, since without strong policy support and sufficient digital literacy, the full benefits of digitalization cannot be achieved.⁴¹ In addition, the reliance on digital systems must be carefully balanced to ensure that automated processes do not undermine procedural fairness, accountability, and the ability of officials to exercise reasoned judgment. Without such safeguards, digitalization may risk reinforcing formal compliance rather than achieving substantive legal certainty and due care.

Normatively, the technical regulation of land measurement and registration has been governed under Ministerial Regulation of ATR/BPN No. 7 of 2019 and Ministerial Regulation of ATR/BPN No. 16 of 2021. However, in practice, inconsistencies in decisions issued by TUN officials are still found, both procedurally and substantively. This indicates that the mere existence of regulations is insufficient unless accompanied by standardized, integrated, and transparently supervised operational guidelines.⁴²

An integrated technical guideline should not merely restate existing norms, but must unify all stages of the process. Clear parameters are required regarding standards of proof, service time limits, and mechanisms for internal clarification or correction before the issuance of a decision. Such integration must also be supported by a digital system capable of recording each stage of the process in real time, thereby ensuring that administrative actions remain consistent with established procedures.⁴³ An integrated guideline for land registration and the granting of land rights should systematically combine application intake and registration recording, comprehensive verification of juridical and physical data through synchronized field measurement and registration maps, public notification to allow objections, and internal review before decision issuance.⁴⁴

Furthermore, transparency serves as a preventive solution to potential disputes and inconsistent decisions. Transparent technical guidelines must regulate the obligation to disclose the legal and factual considerations underlying each decision, including public access to procedural stages and application status. If technical guidelines are designed in an integrative, system-based manner and ensure openness in both process and reasoning, the risks of unequal treatment, procedural errors, and administrative disputes can be significantly minimized.

Indonesia already has a legal instrument on transparency through Law of the Republic of Indonesia Number 14 of 2008 on Public Information Disclosure (Law No. 14 of 2008). However, the existence of this regulation does not fully guarantee substantive transparency if governmental administrative processes continue to operate in a closed manner and remain

⁴¹ Hwihanus, Maulidah Narastri, and Muhammad Taufiq Hidayat, "Transformasi Digital dan Pemanfaatan Teknologi dalam Meningkatkan Efisiensi dan Transparansi Kinerja Instansi Pemerintah," *Journal of Management and Accounting* 8, no. 2 (2025): 109-200, <https://doi.org/10.52166/j-macc.v8i2.10159>

⁴² Indonesia. Minister Of Agrarian Affairs And Spatial Planning/Head Of National Land Agency Regulation Number 7 Of 2019.

⁴³ Dzaki, Ricki Azis. "Legal Certainty Of Measurement And Mapping Of Land Basic Maps." *Jurnal Hukum UNISSULA* 38, No. 2 (August 17, 2022): 148-158. <https://doi.org/10.26532/jh.v38i2.23655>.

⁴⁴ Gusti Widiarta, RM Ivansyah And Iqbal Salamuddin Akbarsyah. "Can The State Administrative Court Shield Citizens From Government 'Tort'? A Path To Justice In Dispute Resolution." *Indonesian State Law Review* 7, No. 2 (2025): 125-36. <https://doi.org/https://doi.org/10.15294/islrev.v7i2.18876>.

highly dependent on the interpretation and discretion of individual officials. The right to information loses its effectiveness when access to the reasoning, legal basis, and decision-making process is not conveyed openly and consistently.⁴⁵ Moreover, various challenges in the implementation of the Public Information Disclosure Law, such as limited resources, a weak documentation culture, and the unresponsiveness of certain institutions, demonstrate that the issue does not merely lie in the availability of regulations, but rather in the overall quality of administrative governance itself.⁴⁶

The digitalization of administrative processes can serve as an important step in strengthening the Principle of Legal Certainty while simultaneously encouraging officials to act more carefully in every action, thereby reinforcing the Principle of Due Care. Through a digital-based system, all processes, starting from land registration, recording of data changes, to the integration of databases concerning land rights, can be automatically documented and made traceable for the public.⁴⁷ Every change, rejection of an application, or annulment of a decision must have a recorded basis within the system. This limits the scope of official discretion because each action leaves a clear trace that can be monitored. However, it must also be recognized that digital traceability does not eliminate the potential for discretionary abuse, as officials may still influence how data is inputted, interpreted, or verified within the system.

This study emphasizes that digitalization should be understood not merely as an administrative improvement, but as a legal mechanism that restructures how principles such as legal certainty and due care are implemented in practice. By embedding traceability and data-based verification into administrative processes, digital systems contribute to a shift from discretion-based decision-making toward a more rule-based and accountable governance framework. This conceptual approach highlights the role of digitalization in limiting arbitrariness and ensuring consistency in administrative actions. Furthermore, it provides a policy-oriented contribution by underlining that the effectiveness of such systems depends on the alignment between legal norms, institutional procedures, and technological infrastructure, so that digital traceability leads to substantive accountability rather than formal compliance alone. In this regard, digitalization should be positioned as part of a broader administrative law reform framework, where legal norms, institutional accountability, and technological systems operate in an integrated manner rather than in isolation.

Nevertheless, the effectiveness of digitalization is not only dependent on technical adoption but is deeply shaped by structural and institutional constraints. First, disparities in technological infrastructure and unequal digital capacity across regions risk producing fragmented implementation, where access to efficient and transparent administrative services becomes uneven and may reinforce existing inequalities. Second, bureaucratic resistance is not merely a matter of adaptation, but often reflects deeper institutional incentives, including reluctance to limit discretionary power, concerns over increased accountability, and entrenched administrative cultures that are resistant to systemic change. Third, the growing reliance on

⁴⁵ Indonesia. Law of the Republic of Indonesia Number 14 of 2008 on Public Information Disclosure.

⁴⁶ Implementation of Law of the Republic of Indonesia Number 13 of 2008.

⁴⁷ Sudarmanto, Kuku. "Hukum Administrasi Dan Sistem Peradilan Di Indonesia Yang Berkeadilan Sesuai Asas-Asas Pancasila." *Jurnal Ius Constituendum* 6, No. 2 (October 17, 2022): 407–23. <https://doi.org/10.26623/jic.v6i2.4110>.

digital systems introduces systemic risks that can directly affect the validity of administrative decisions, such as data inconsistencies, errors in automated processes, system failures, and cybersecurity threats.⁴⁸ Without strong verification mechanisms, institutional oversight, and regulatory safeguards, these risks may undermine legal certainty and due care rather than strengthen them. Therefore, digitalization should not be assumed to automatically improve governance, as its effectiveness ultimately depends on coherent policy design, institutional readiness, and the capacity to manage both technological and organizational risks in a consistent manner.

In addition, a digital system enables more open oversight. Information no longer depends solely on manual requests, but can be accessed and monitored systematically. Such transparency helps prevent decisions from being altered without legitimate reasons. Digitalization not only accelerates public services but also reduces the potential for inconsistency. When procedures are standardized and integrated within an electronic system, officials cannot easily modify decisions without a clear legal basis.⁴⁹ In this way, transparency supported by administrative digitalization can function as a preventive solution to limit the abuse of discretion, strengthen consistency in official actions, and ultimately provide legal certainty for the public.

The formulation of technology-based administrative policies in the land sector needs to be directed toward two main dimensions, namely strengthening digital systems and enhancing the capacity of officials through training on the AUPB. The digitalization of land services, such as the integration of physical and juridical databases, electronic verification systems, and documented audit trails, can minimize administrative errors and reduce the potential for inconsistent decisions. In the Indonesian context, digital government transformation policies have been promoted through the Electronic-Based Government System, which aims to increase transparency, accountability, and the quality of public services.⁵⁰

The integration of technology in the process of verification and issuance of land rights is also aligned with the agenda of modernizing land services initiated by the Ministry of Agrarian Affairs and Spatial Planning National Land Agency through certificate digitalization programs and efforts to improve the validity of land data.⁵¹ A digitalized and well-documented system ensures decisions are based on verified and traceable data. However, technology alone is insufficient without improving human resource capacity. Continuous AUPB training is essential, as Law No. 30 of 2014 requires officials to adhere to the AUPB in all administrative actions.

This training not only functions to enhance normative understanding of the principles of legal certainty and accuracy, but also to shape administrative ethics and a culture of Due Care in

⁴⁸ Hwihanus, Maulidah Narastri, and Muhammad Taufiq Hidayat, "Transformasi Digital dan Pemanfaatan Teknologi dalam Meningkatkan Efisiensi dan Transparansi Kinerja Instansi Pemerintah," *Journal of Management and Accounting* 8, no. 2 (2025): 203, <https://doi.org/10.52166/j-macc.v8i2.10159>

⁴⁹ Yulida, Devi, Kartika Widya Utama, And Xavier Nugraha. "Verifikasi Manual Manifestasi Asas Kecermatan Sebagai Batu Uji Terhadap Keputusan Tata Usaha Negara." *Jurnal USM Law Review* 5, No. 1 (April 13, 2022): 31–48. <https://doi.org/10.26623/julr.v5i1.4600>.

⁵⁰ Indonesia. Presidential Regulation Number 95 Of 2018 On Electronic-Based Government System.

⁵¹ Maharudin, Didy. "Good Governance In Public Service Delivery: A Systematic Literature Review Of Models And Best Practices Across Countries." *Jurnal Ilmiah Pemerintahan* 13, No. 3 (2025): 147–209. <https://doi.org/10.35450/jip.v13i03.1403>.

decision making. From an AUPB perspective, improving the competence of officials is a prerequisite to ensure that technology does not merely become an administrative tool, but rather an instrument to strengthen accountability and the protection of citizens' rights.⁵²

4. CONCLUSION

This study concludes that inconsistencies in land officials' decisions, as reflected in Decision No. 39/G/2025/PTUN.JKT and Decision No. 132/G/2025/PTUN.BDG, demonstrate a structural failure in applying the principles of legal certainty and due care within Indonesia's administrative law framework. Such inconsistencies are not merely procedural errors but indicate deeper deficiencies in administrative reasoning, verification mechanisms, and institutional design, ultimately undermining legal predictability and public trust. The findings further reveal that Indonesia's reliance on reactive judicial control is insufficient to prevent inconsistent decision-making, highlighting the need for a shift toward preventive administrative governance. Accordingly, this study proposes an integrated approach combining strengthened normative standards, structured reasoning obligations, and technology-based verification systems to ensure consistency and accountability in administrative actions. The novelty of this research lies in its development of a substantive-doctrinal framework that reconceptualizes administrative inconsistency as a systemic legal problem, while integrating digital traceability as a mechanism to operationalize the principles of legal certainty and due care. Its contribution is both theoretical and practical: theoretically, it advances administrative law by bridging the gap between AUPB as a normative concept and its application in judicial reasoning; practically, it offers policy-oriented guidance for reforming land administration through preventive oversight, standardized verification procedures, and accountable digital governance, thereby strengthening administrative justice and legal certainty in Indonesia.

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⁵² HR, "Hukum Administrasi Negara."

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