

Legal Analysis of the Legality of Land Certificates (SKT) Regarding Land that Has Not Been Certified in Land Sales and Purchases

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Abstract. *This study aims to analyze: 1) The legality of Land Certificates (SKT) for uncertified land in land sales and purchases. 2) The legal existence of land certificates as proof of ownership of land rights. This type of research is normative legal research. The approach method in this study is the statute approach. The types and sources of data in this study are secondary data obtained through literature studies. The analysis in this study is prescriptive. The results of the study concluded: 1) The legality of Land Certificates (SKT) for uncertified land in land sales and purchases in Indonesia has significant limitations. Although SKT is recognized administratively and can be used as evidence of physical control over land, this document does not have the same legal force as a land title certificate issued by the National Land Agency (BPN). In the context of land sales and purchases, the use of SKT as proof of ownership poses legal risks, especially in the event of a dispute, because SKT does not provide a guarantee of legal ownership and is formally recognized by law. In order to achieve legal certainty and protect the rights of all parties involved in the transaction, the land title certificate remains the only document that is legally recognized as proof of ownership in land sales and purchases. Therefore, it is important for the parties in a land sale and purchase transaction to ensure that the land being traded has a valid certificate, in order to avoid potential legal problems in the future. 2). The legal existence of the Land Certificate (SKT) as proof of ownership of land rights in Indonesia is recognized in the administrative and physical control context, especially in areas where land registration has not been optimal. SKT is often used by the community as proof of land ownership and for administrative purposes, however, the legality of SKT is limited because this document does not have the same legal force as the land title certificate issued by the National Land Agency (BPN). In land disputes or formal legal processes, land certificates are prioritized as proof of legal ownership.*

Keywords: Certificate; Land; Legality; Purchase; Sale.

1. Introduction

Land is the surface of the earth or the outer layer of the earth, the condition of the earth in a place, the surface of the earth which is bordered by land,¹ whereas according to Article 4 Paragraph (1) of the Republic of Indonesia Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), land is the surface of the earth. Land and humans cannot be separated, humans live and develop and carry out daily activities on land. Most of humans' lives depend on land, because land is a source of life and livelihood for humans.²

Land has an important meaning for the life of the Indonesian nation, this is because Indonesia is an agricultural country, so that every activity carried out by most of the Indonesian people always requires and involves land issues. Even most people, land is considered something sacred, because there is a symbol of social status that it has.³ The rapid development in various areas of life has caused land to become a commodity that has a very high economic value and is difficult to control.⁴

Land rights are the right to control land by the state which is granted to a person, a group of people, or a legal entity, whether an Indonesian citizen or a foreign citizen.⁵ Rights to Basically all rights to land can be transferred or assigned. Transfer is the transfer of rights to land because of the law, by itself, there is no legal act that is intended to transfer the rights to another party.⁶ Transfer of land rights can be done by means of transfer of rights such as sale and purchase, exchange, gift, auction, inheritance, transfer of rights due to merger or mergers and other transfers of rights.

The official who is authorized to make a deed of sale and purchase agreement is the Land Deed Making Officer (PPAT). PPAT is one of the institutions mentioned in the Civil Code whose authority is closely related to the making of authentic deeds and other authorities. Departing from the need for a perfect means of proof (*volledig bewijs*) in accordance with the *Burgelijke Wetboek (BW)* or Civil Code (*KUHPerdata*) and *Herzien Inlandsch Reglement (HIR)* or Indonesian Civil Procedure Law in addition to material truth, PPAT also has an important role and task as well as an honorable position.⁷ PPAT is given the task and authority so that

¹Sudarsono, 2010, Latest Edition of Legal Dictionary, Rineka Cipta, Jakarta, p. 483.

²Dyara Radhite Oryza Fea, 2018, Guide to Managing Land, Houses and Permits, Legality, Yogyakarta, p.1

³Bagas Imam Arianto, Gunarto Legal Review of the Implementation of Complete Systematic Land Registration (PTSL) at the BPN Office of Grobogan Regency, Proceedings: Unissula Student Scientific Conference (KIMU) 2, Unissula Semarang, October 18, 2019, p. 353

⁴Adrian Sutedi, 2018, Transfer of Land Rights and Registration, Sinar Grafika, Jakarta, p.22

⁵Urip Santoso, 2010, Agrarian Law and Land Rights, Kencana, Jakarta, p.87

⁶Erna Sri Wibawanti, R. Murjiyanto, 2013, Land Rights and Their Transfer, Liberty Yogyakarta, p.119.

⁷Tatik Arjiati, The Role of Notaries/PPAT in Making Joint Rights Distribution Deeds (APHB) Regarding the Distribution of Inheritance of Different Religions Regarding Land and Buildings, Jurnal Akta, Volume 4 Number 1 (2017), Unissula, Semarang, p.75

its presence is to serve the community who carry out legal acts by making deeds of transfer of their rights or deeds of encumbrance of rights on their land.⁸

The process of buying and selling land that has a certificate consists of the subjects of the sellers or related parties. It has a lower risk of disputes than certificates whose ownership has not been registered.⁹ If a land sale or purchase is carried out but it turns out that the seller is not authorized to sell or the buyer is not authorized to buy, even though the seller has the right on the land or the buyer has the right to buy, then as a result the sale and purchase can be canceled by the interested parties.¹⁰

The sale and purchase of land rights must be carried out in the presence of a Land Deed Making Officer (PPAT), this is done as proof that a land rights sale and purchase transaction has taken place. PPAT is a public official who is authorized to make deeds of transfer of land rights and other deeds in the context of encumbrance of land rights, the form of which has been determined, as evidence of the carrying out of certain legal acts. The authority of PPAT is based on Government Regulation Number 24 of 2016 Amendment to Government Regulation Number 37 of 1998 Regarding the Regulation of the Position of Land Deed Making Officer is to make authentic deeds regarding certain legal acts regarding land rights or ownership rights to apartment units. Legal acts as referred to are such as buying and selling.¹¹ The land sale and purchase deed (AJB) has document requirements that must be met so that the application can be processed.

In practice, there are still many land sales that are not registered or do not have certificates, but have been owned by local residents with evidence of a land certificate issued by the village head. The legal basis for the SKT is contained in Article 24 paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Registration, stating that the Geuchik or Village Head has the authority to issue a Land Certificate (SKT) as evidence in the implementation of land registration to obtain a land title certificate at the Land Office. The SKT is also included in the letters categorized as a legal basis or data required as a requirement for land registration in accordance with Government Regulation Number 24 of

⁸Denny Suwondo, Ikhsan Saputra, Role and Responsibilities of Land Deed Officials in the Implementation of Land Registration Activities, *Unissula Law Journal*, Volume 35 Number 2 (2019), p.187

⁹Bethari Laksita, Legal Review of Resistance to the Execution Seizure of Inherited Land Disputes That Have Not Been Divided and Recognized as Gono Gini Assets (Case Study of the Surakarta District Court), Scientific Publication, Muhammadiyah University of Surakarta, 2020, p.4

¹⁰Effendi Perangin, 1987, *Land Buying and Selling Practices*, Rajawali Pers, Jakarta, p. 4.

¹¹Inicafony Prasasti, Yunanto, Implementation of Deed of Sale and Purchase Evidence Letter C by the Sub-district Head as the Temporary Land Deed Making Officer in Tirtomoyo District, *Jurnal Notarius*, Vol. 14 No. 1 of 2021, p. 255

1997 concerning Land Registration.¹² There are often problems related to the legality of the SKT which can affect the validity of land rights. One of the main problems is the ambiguity or inconsistency in the legal status of the SKT issued. This document may not meet the required legal standards or may not be legally firm confirming legal ownership rights to land.

2. Research Methods

This type of research is normative legal research, namely legal research conducted by examining library materials or secondary data. The approach method in this research is the statute approach. The type and source of data in this research are secondary data obtained through library studies. The analysis in this research is prescriptive.

3. Results and Discussion

3.1. Legality of Land Certificate (SKT) for Uncertified Land in Land Purchase and Sale

The increase in land use has given rise to various forms of land control and management, and on the other hand, has given rise to the development of normative law, both in terms of statutory and doctrinal approaches.¹³ Land issues have long been a complicated and legal issue complex and has broad dimensions in both developed and developing countries, so that not easy to solve quickly.¹⁴ Therefore, this land issue needs to be arranged and planned carefully and wisely. Article 20 of the Basic Agrarian Law explains that ownership rights are hereditary, strongest and most complete rights that can be owned by a person over land, taking into account the provisions in Article 6. From this explanation, it can be seen that ownership rights are the strongest rights over land, which give the owner the authority to be able to grant back another right over the land area of ownership that he owns (can be in the form of building use rights or use rights, with the exception of business use rights), which is almost the same as the authority of the State (as the ruler) to provide land to its citizens.¹⁵

Land administration problems often arise as land disputes, such as disputes caused by unregistered land ownership rights, overlapping land use, and the issuance of duplicate land certificates.¹⁶ Administrative order in the defense sector is part of an effort to obtain legal certainty. To guarantee legal certainty and certainty of land rights by the government is regulated in Government Regulation Number 10 of

¹²Muhammad Nadzir and Suwandi, 2017, The Proving Power of SKT as Evidence of Land Ownership Rights, *De Facto Journal*, Volume 4, Number 1, p. 105

¹³Zakie & Mukmin, 2016, Agrarian Conflicts That Never Subside, *Legality Scientific Journal of Law*, Volume 24, Number 1, page 42.

¹⁴Irawan Soerodjo, 2002, Legal Certainty of Land Rights in Indonesia, *Arkola*, Surabaya, p. 25.

¹⁵Kartini Muljadi and Gunawan Widjaja, 2008, *Property Law Series: Land Rights*, Jakarta, Kencana, p.30

¹⁶Anatami & Darwis, 2017, Who is Responsible, If There is a Double Certificate for a Plot of Land, *Samudera Keadilan Law Journal* 12, Number 1, page 10.

1961 which was improved by Government Regulation Number 24 of 1997, namely concerning Land Registration. The Government Regulation was issued as an effort to prevent forms of legal acts that often occur in society.¹⁷The provisions in the UUPA, namely Article 19, regulate subjective legal certainty, namely provisions regarding legal entities and people who are holders of land rights (subjective requirements) and related to objective certainty in the form of boundaries, length, location and width in their control.¹⁸

The legality of evidence of land rights gives rise to many legal problems, one of the causes being the clash of land ownership concepts based on applicable laws and regulations.¹⁹These unregistered lands are generally found in rural areas where land ownership rights are only proven by a land certificate (SKT) issued by the village head and the implementation of the sale and purchase transaction is also carried out on the basis of trust between the seller and the buyer by making a private deed signed by the buyer and the seller and witnessed by two witnesses and known to the village head.²⁰

Land certificate (SKT) is a written evidence under hand whose evidentiary force is not as strong as an authentic deed, but because the Land Certificate (SKT) is a document categorized as a legal basis or legal data on land which is used as a requirement for completing the requirements for land rights applications as regulated in land legislation, the Land Certificate (SKT) is a very important document in the process of issuing land rights certificates.

Based on the Explanation of Article 7 paragraph (2) and Article 39 paragraph (1) letter b number (1) and number (2) of Government Regulation Number 24 of 1997, SKT can be categorized as a legal basis submitted as a complete requirement for land rights applications. The provisions of Article 7 paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Registration state that, "For villages in remote areas, the Minister may appoint a Temporary PPAT". In the explanation of Article 7 paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Registration, it is stated that the provisions of Article 7 paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Registration are intended to make it easier for people in remote areas where there are no PPATs to carry out legal acts regarding land. The person appointed as a

¹⁷Rifan Agrisal Ruslan & Umar Ma'ruf, 2017, Public Legal Awareness in Land Sale and Purchase with PPAT Deed in Tinanggea District, South Konawe Regency, Southeast Sulawesi, *Jurnal Akta*, Vol. 4 No. 3 September, p. 426

¹⁸Irwan Soerodjo, 2003, Legal Certainty of Land Rights in Indonesia, Arloka Surabaya, p.78

¹⁹Yosep Surya, 2023, Legal Study of Land Certificates Issued by Village Heads as Initial Evidence of Land Ownership Rights, *Jurnal Lex Privatum*, Vol.XI/No.4.p.4

²⁰Muchtar Rudianto, 2010, Sale and Purchase Agreement as a Preliminary Agreement, Rajawali Press, Jakarta, p.38

Temporary PPAT is a Government Official who is familiar with the conditions of the area concerned, namely the Village Head.²¹

Based on the explanation of Article 7 paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Registration, it can be said that the land certificate issued by the village head which is used as the basis for the implementation of the sale and purchase of land rights has legal force if the implementation of the land sale and purchase is known by the village head as a government official who controls the conditions of the area concerned in remote rural areas. However, if in a region there is already a sub-district head who is appointed as a PPAT or Temporary PPAT, then the implementation of the sale and purchase of land rights based on the land certificate issued by the village head only has legality and legal force if the sale and purchase of land rights is known and signed by the sub-district head as a PPAT or Temporary PPAT appointed by the government.²²The legal force of a land certificate issued by the Village Head in a land sale and purchase transaction based on Government Regulation Number 24 of 1997 concerning Land Registration, has valid legal force if it is known by the sub-district head as the official who makes the land deed.

The implementation of the sale and purchase of land rights based on a land certificate issued by the village head in rural areas, especially in remote areas that do not yet have a PPAT, the village head can act as a temporary PPAT by knowing and signing the sale and purchase of land rights based on a land certificate issued by the village head. However, if the rural area already has a PPAT or temporary PPAT, the sale and purchase of land rights based on a land certificate issued by the village head must be known and signed by the PPAT or Temporary PPAT in order to have legality and legal force in the implementation of the sale and purchase of land rights.²³

Based on UUPA, valid proof of ownership is a land title certificate obtained through land title registration, then supported by the issuance of Circular Letter Number 1756/15. I/1V/2016 concerning guidelines for implementing community land registration, resulting in legal consequences that result in the Village Head/Lurah no longer having the authority to issue a Land Certificate which is one of the requirements in the initial land registration process. In other words, the SKT does not have legal force as proof of ownership or is not recognized as proof of land rights. However, the problem among the general public, including government agencies such as tax agencies, law enforcement agencies such as the Police, Prosecutors and Courts, and PPAT, still considers the SKT or sealed letter as proof of land title ownership, so that there are still many court products in the form of

²¹Husni Thamrin, 2011, *Making of Land Deeds by Notary*, Laksbang Pressindo, Yogyakarta, p. 56

²²Murad Rusmadi, 1992, *Settlement of Legal Disputes Over Land*, Alumni, Bandung, p. 56

²³GHS Lumban Tobing, 1992, *Notary Position Regulations*, Erlangga, Jakarta, p. 64

decisions that strengthen the existence of the SKT or sealed letter as proof of ownership.

Evidence of previous rights based on Article 24 and 25 of Government Regulation Number 24 of 1997 as amended by Government Regulation Number 18 of 2021 concerning land registration stipulates that evidence of ancient rights originating from the transfer of ancient rights must be proven by written evidence and witness statements and/or statements from the applicant which are deemed to be sufficiently true to be registered by the adjudication committee for Systematic registration or the head of the land office for sporadic registration, then in Article 97 Number 18 of 2021 it states that Land certificates, compensation certificates, village certificates, and others of the same type which are intended as information on control and ownership of Land issued by the village head/sub-district head can be used as instructions for Land Registration.

The assessment is obtained on the basis of the collection and research of legal data on the land area concerned by the Adjudication Committee in systematic land registration or by the Head of the Land Office in sporadic land registration. On the basis of evidence and minutes of ratification of land rights whose physical data and legal data are complete and there are no disputes, bookkeeping is carried out in the land book and a land rights certificate is issued.

The legal force of the SKT issued by the Village Head in a land sale and purchase transaction based on the PP on Land Registration, has valid legal force if it is known by the Sub-district Head as PPAT, with a legal basis based on the Explanation of Article 7 paragraph (2) and Article 39 paragraph (1) letter b number (1) and number (2) of the PP on Land Registration can be categorized as a basis for rights submitted as a complete requirement for an application for land rights. The provisions of Article 7 paragraph (2) of the PP on Land Registration state that, for villages in remote areas, the Minister can appoint a Temporary PPAT.²⁴

Land certificate as one of the requirements in land registration and is currently often referred to as a statement of physical control of a land plot, in the format of a statement of physical control also includes the boundaries of the land that are the basis and as long as the boundaries of the land are recognized by the relevant parties and witnessed by witnesses. A statement of physical control of a land plot is basically almost the same as a land certificate. A land certificate is made by the Village Head/Lurah based on a statement from the owner or applicant. While a statement of physical control of a land plot is made by the applicant and can place the Village Head/Lurah as a witness. While a land certificate places the Village Head/Lurah as a state administrative official who issues the certificate, the issuance of Circular Letter Number 1756/15. I/IV/2016 concerning Guidelines for the Implementation of Community Land Registration basically simplifies the land

²⁴Noor Atikah, 2022, The Position of Land Certificates as Proof of Ownership of Land Rights in the Indonesian Land Law System, Notary Law Journal, Vol 1 Issue 3, p.282

registration process by the applicant simply making a statement of physical control of a land plot with the format determined based on the Circular Letter. A land certificate is basically a legal product issued by the Village Head/Lurah, which functions as proof of confirmation of the physical control status of a person's land, so that the land certificate is more factual and objective.²⁵

A land certificate is a written evidence under hand whose evidentiary force is not as strong as an authentic deed, but because the land certificate is a document categorized as a legal basis or legal data on land which is used as a requirement for completing the requirements for an application for land rights as regulated in land legislation, the land certificate is an important document in the process of issuing a land rights certificate.²⁶

Land Certificate (SKT) is physical evidence of land ownership that has long been known by the Indonesian people. Before the birth of UUPA, a land certificate was a recognized proof of land rights, but after the birth of UUPA and PP No. 24 of 1997 concerning Land Registration, only land title certificates were recognized as proof of land ownership. However, apart from land certificates, it seems that there are still other rights that are still valid, namely the Land Certificate (SKT). Where, basically, people from before the birth of UUPA and until now UUPA has been running for about 61 years, people still consider that SKT is valid proof of land rights. Especially for those who are far from the land office.²⁷

Based on history before UUPA Number 5 of 1960, SKT was a letter indicating that a plot of land had been controlled by someone. SKT is a certificate issued by the Village Head, Lurah or Customary Head in an area at that time. SKT itself is a general term used to make it easier to pronounce in language, SKT has many varieties including sporadic, girik, letter C, Petok D and so on, all of which are forms of SKT that differ in various regions and its application is also limited to a certain area only.

Based on the explanation of PP No. 24 of 1997 and Permen No. 3 of 1997 above, SKT is physical evidence of a plot of land which is then referred to as the basis of rights or basic rights in the land registration process. In the land registration process, SKT has a position as one of the requirements for land registration, namely it can be called the basis of rights in land registration.²⁸With SKT, a person can prove their rights to a plot of land without having to have other complete evidence. However, after the issuance of Circular Letter of the Minister of ATR/BPN

²⁵Yosep Suryaa, Op.cit., p.6

²⁶Husni Thamrin, Op.Cit, p. 56

²⁷Muhammad Rudinasyah, Legal Power of Land Certificate (Skt) as Evidence of Land Ownership Based on Circular Letter of Minister of Atr/Bpn No. 1756/15.I/IV/2016 Concerning Guidelines for Implementing Community Land Registration, Thesis Article, Islamic University of Kalimantan Muhammad Arsyad Al Banjari, p.12

²⁸<https://www.hukum-hukum.com/2016/12/alas-hak-versus-hak-atas-tanah.html>, accessed on August 2, 2024, 21.00 WIB

No. 1756/15.I/IV/2016 concerning Guidelines for the Implementation of Community Land Registration, hereinafter referred to as SE Minister of ATR/BPN, one of the requirements for land registration which is the basis for land rights or SKT was removed as one of the requirements for land registration. or more clearly SKT is no longer needed in land registration after the issuance of the circular letter.²⁹ Thus, with the elimination of SKT as a requirement for land registration, the position of SKT as a legal basis in the process of proving land registration no longer exists or SKT has no legal standing in land registration. Although based on the Circular of the Minister of ATR/BPN No.1756/15.I/IV/2016, SKT as a requirement for land registration has been eliminated, but in terms of the land registration process using SKT it can still be accepted and SKT can still be applied as long as the person concerned has SKT as a certificate of control over a plot of land in land registration. For people who have problems in land registration because they do not have SKT, they do not need to wait for SKT to register their land because SKT is not a requirement that must be met in land registration after the issuance of the minister's circular.

Although SKT is not regulated in PP 24/1997 and is no longer required as one of the requirements for land registration, it is stated in Article 76A of the Regulation of the Minister of Agrarian Affairs and Land Affairs Number 16 of 2021 explaining that written evidence of former customary land is no longer valid after 5 (five) years of the enactment of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration. If the period ends, written evidence of customary land cannot be used as evidence of proof of rights. However, in reality, many people still use SKT as written evidence of land ownership. In fact, it is not uncommon to find land transactions with proof of ownership only in the form of a Land Certificate. Obtaining SKT is not difficult because it only requires the testimony of several witnesses, the RT and is known by the local Lurah where the land object is located in order to issue SKT.³⁰

The issuance of Circular Letter No.1756/15.I/1V/2016 concerning the guidelines for implementing community land registration, has resulted in legal consequences that have an impact on the absence of the authority of the Village Head/Lurah in issuing a Land Certificate which is one of the requirements in the initial process of land registration. Although the Land Certificate is a written proof of rights under hand whose evidentiary force is not as strong as a certificate, the land certificate is physical evidence as proof of land ownership history. The Land Certificate is the basis for rights which is the initial process of land registration at the National Land Agency in order to issue a certificate. The Land Certificate is therefore a very important document. The Land Certificate functions as physical proof of control if

²⁹<http://irmadevita.com/2016/untuk-persertifikatan-sudah-tidak-perlu-lagi-skt-dari-kelurahan/>, accessed on August 2, 2024, at 21.30 WIB

³⁰Noor Atikah, 2022, The Position of Land Certificates as Proof of Ownership of Land Rights in the Indonesian Land Law System, Notary Law Journal, Vol 1 Issue 3, p.274

there is an error or incomplete proof of control. One of the physical evidences that is the basis for land ownership rights is the SKT (Land Certificate), SKT is a Land Certificate that confirms the history of land ownership. SKT is one of the written evidences that shows information about land ownership, made at the request or application of the community to the Sub-district or Village Office where the land object is located and upon the request, it is issued by the Sub-district or Village as an administrative requirement for the land registration process at the National Land Agency.³¹

After the enactment of UUPA, SKT in the form of seals and similar customary rights are no longer valid as proof of ownership of land rights. Based on UUPA, valid proof of ownership is a land rights certificate obtained through land rights registration. In other words, SKT no longer has legal force as proof of ownership or is no longer recognized as proof of land rights. However, the problem is that among the general public, including government agencies such as tax agencies, law enforcement agencies such as the Police, Prosecutors and Courts, and PPAT, still consider SKT or seal letters as proof of ownership of land rights, so that there are still many court products in the form of decisions that strengthen the existence of SKT or seal letters as proof of ownership.

4. Conclusion

The legality of the Land Certificate (SKT) for uncertified land in land sales in Indonesia has significant limitations. Although the SKT is recognized administratively and can be used as proof of physical control over the land, this document does not have the same legal force as the land title certificate issued by the National Land Agency (BPN). In the context of land sales, the use of SKT as proof of ownership poses legal risks, especially in the event of a dispute, because the SKT does not provide a guarantee of legal ownership that is formally recognized by law. In order to achieve legal certainty and protect the rights of all parties involved in the transaction, the land title certificate remains the only document that is legally recognized as proof of ownership in land sales. Therefore, it is important for the parties in a land sale transaction to ensure that the land being traded has a valid certificate, in order to avoid potential legal problems in the future. The legal existence of the Land Certificate (SKT) as proof of ownership of land rights in Indonesia is recognized in the administrative and physical control contexts, especially in areas where land registration has not been optimal. SKT is often used by the community as proof of land ownership and for administrative purposes, however, the legality of SKT is limited because this document does not have the same legal force as the land title certificate issued by the National Land Agency (BPN). In land disputes or formal legal processes, land certificates are prioritized as proof of legal ownership. Therefore, although SKT has an important role in land management, landowners who only have SKT are advised to register their land in order to obtain a valid certificate to ensure legal certainty and

³¹Ibid., p.275

protection of their land rights.

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