

## LEGAL CERTAINTY ANALYSIS IN THE EXTENSION OF LAND RIGHTS BASED ON THE AGRARIAN LAW

**Salmon Sihite**

Doctoral Student Faculty of Law Universitas 17 Agustus 1945 Jakarta  
[notarissalmon2368@gmail.com](mailto:notarissalmon2368@gmail.com)

**Gunawan Widjaja**

Senior Lecturer Faculty of Law Universitas 17 Agustus 1945 Jakarta  
[widjaja\\_gunawan@yahoo.com](mailto:widjaja_gunawan@yahoo.com)

### Abstract

This study aims to analyse legal certainty in the extension of land rights based on the Basic Agrarian Law (UUPA). The research method used is a literature review, examining various laws and regulations, scientific literature, and court decisions related to the extension of land rights. The analysis reveals that the UUPA has established a clear legal framework to provide protection and legal certainty for rights holders such as the Right to Use for Business (HGU), the Right to Build (HGB), and the Right to Use. However, implementation in the field still faces a number of challenges, such as the complexity of administrative procedures, overlapping land data, and coordination issues between institutions, which have the potential to cause legal uncertainty and disputes. Therefore, it is necessary to strengthen regulations, modernise the land administration system, and enhance public literacy to ensure that legal certainty regarding the extension of land rights can be achieved optimally in accordance with the provisions of the UUPA.

**Keywords:** legal certainty, extension of land rights, Basic Agrarian Law, land administration, literature review

### Introduction

Legal certainty is one of the fundamental aspects of land rights management in Indonesia. Legal certainty is a state in which the law is clear, definite, and must be obeyed by the entire community. Radbruch explains that legal certainty is the product of positive law or legislation that must be based on factual realities, clearly formulated to avoid misinterpretation, and not easily altered (, *Law No. 5 of 19 1960 , on the Basic Provisions of Agrarian Law (UUPA)*, n.d.) . With legal certainty, everyone can predict the legal consequences of their actions and act in accordance with the applicable rules without fear or hesitation. This legal certainty is important to ensure justice, benefit, and order in social life. Land, as a limited natural resource, plays a vital role in the economic, social, and political life of society. Therefore, the implementation of land law that ensures legal certainty is essential to protect land rights clearly and fairly (Baedlowi, 2023) .

After Indonesia's independence, the agrarian legal system experienced dualism, where Dutch colonial inheritance laws remained in effect alongside customary laws