



LAND, LAW, AND LEGITIMACY: UNVEILING THE EVIDENTIARY POWER OF OWNERSHIP CERTIFICATES IN THE CONFLUENCE OF ISLAMIC AND AGRARIAN LEGAL TRADITIONS

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ABSTRACT

This study examines the legal validity of land ownership certificates through the lenses of both positive law and Islamic jurisprudence. It analyzes the procedural framework for certificate issuance within national law alongside Islamic concepts of ownership and evidence, such as *ikrar* (declaration), *shahadah* (witness testimony), and *ihya' al-mawat* (revival of dead land). Using a qualitative, normative-juridical approach, the research explores statutory land provisions and Islamic legal principles. Findings indicate that land certificates hold strong evidentiary value under national law. However, bureaucratic inefficiencies and administrative burdens hinder effective implementation. From an Islamic legal perspective, such certificates may be accepted as valid proof of ownership if acquired lawfully and aligned with justice and public welfare (*maṣlahah*). Islamic law also stresses the need for clarity in property rights to prevent disputes. In conclusion, while grounded in different legal paradigms, positive law and Islamic law can be harmonized to promote equity and legal certainty in land ownership.

Keywords: Land Ownership Certificate, Legal Evidence, Positive Law, Islamic Law.

ABSTRAK

Penelitian ini menganalisis kekuatan hukum sertifikat hak atas tanah sebagai alat bukti kepemilikan dalam perspektif hukum positif dan hukum Islam. Fokus kajian meliputi mekanisme perolehan sertifikat tanah dalam sistem hukum nasional serta konsep kepemilikan dan pembuktian dalam hukum Islam, seperti *ikrar*, *kesaksian*, dan *ihya' al-mawat*. Metode yang digunakan adalah kualitatif dengan pendekatan normatif-yuridis, yang mengkaji regulasi pertanahan serta prinsip hukum Islam yang relevan. Hasil penelitian menunjukkan bahwa sertifikat tanah memiliki kekuatan pembuktian yang kuat dalam hukum positif, sebagaimana diatur dalam perundang-undangan. Namun, dalam praktiknya, masih terdapat kendala dalam proses sertifikasi, seperti birokrasi yang panjang, biaya tinggi, serta praktik maladministrasi. Dari perspektif hukum Islam, sertifikat tanah dapat diakui sebagai bukti kepemilikan selama diperoleh secara sah dan sesuai dengan prinsip keadilan dan kemaslahatan. Islam juga menekankan pentingnya kejelasan status kepemilikan guna mencegah sengketa dan memastikan distribusi yang adil. Kesimpulannya, meskipun hukum positif dan hukum Islam memiliki pendekatan berbeda dalam menentukan kepemilikan tanah, keduanya dapat diharmonisasikan untuk menciptakan sistem hukum yang lebih adil dan memberikan kepastian hukum bagi masyarakat.

Kata Kunci: Sertifikat Hak Atas Tanah, Bukti Kepemilikan, Hukum Positif, Hukum Islam



INTRODUCTION

Land ownership constitutes one of the fundamental pillars of human life, intersecting with social, economic, and legal dimensions. Far beyond its role as a mere dwelling space or means of livelihood, land holds strategic significance in the broader framework of national development (Putri & Hidayati, 2023). Consequently, the governance of land ownership requires a robust legal foundation to ensure both justice and legal certainty for individuals who claim ownership and exercise control over land.

Within Indonesia's positive legal system, the land title certificate (*sertifikat hak atas tanah*) serves as formal and authoritative proof of ownership. Issued by the National Land Agency (BPN) in accordance with Government Regulation No. 24 of 1997 concerning Land Registration, the certificate is imbued with strong evidentiary value (Purbandari, 2021).

In contrast, Islamic jurisprudence (*fiqh*) conceptualizes land ownership through a broader, more transcendental lens (Putri & Hidayati, 2023). Islam asserts that ultimate dominion over the earth belongs to God (Allah SWT), as proclaimed in the Qur'an: "To Allah belongs whatever is in the heavens and whatever is in the earth" (Qur'an, Al-Baqarah [2]: 284). Yet, human beings are entrusted with the responsibility to utilize and possess land, provided that such possession is acquired lawfully and exercised in accordance with the principles of justice (*'adl*) and communal benefit (*maslahah*). Within Islamic law, legitimate acquisition of land may occur through various means, such as sale and purchase (*bai'*), inheritance (*fara'id*), gift (*hibah*), endowment (*waqf*), or reclamation of unused land (*ihya' al-mawat*).

The emergence of state-issued land certificates as legal proof of ownership gives

rise to a critical question within the Islamic legal paradigm: to what extent can such documents be recognized as valid proof under Shariah? Islamic law does not rely solely on written documentation. Instead, it encompasses oral testimony (*shahadah*), customary practice (*'urf*), and communal recognition. Accordingly, the Islamic notion of ownership is characteristically distinct from that of positive law, which privileges formalized and administrative documentation.

In Indonesia, disputes over land ownership are still widespread, particularly in rural communities. In many cases, land has been passed down through generations without official certification, rendering it susceptible to legal contestation (Purbandari, 2021). Under the positive legal framework, individuals lacking formal certification risk losing their rights if another party presents a legally recognized certificate issued by the BPN. Here, Islamic legal principles may offer alternative pathways for dispute resolution by emphasizing justice and the inclusion of non-documentary forms of evidence.

From the perspective of *maqāṣid al-shari'ah* (the higher objectives of Islamic law), land certification aligns with the principle of *ḥifẓ al-māl* (the protection of property) (Lawang et al., 2023). Possessing a certified title enhances legal security and protects against arbitrary seizure or conflict. However, Islam also imposes a social ethic on land ownership—emphasizing not only individual rights but also the imperative of utilizing land for the greater communal good. Land must not be left idle or misused, and its productive potential must contribute to societal welfare.

An interdisciplinary approach that bridges Islamic and positive legal systems becomes essential in evaluating the legal force of land title certificates. Such a

comparative legal inquiry seeks to identify a harmonious intersection where the evidentiary frameworks of both traditions can coalesce. This study, therefore, endeavors to critically analyze the extent to which land certificates are regarded as legitimate instruments of ownership within Islamic jurisprudence and how such recognition intersects with the existing legal infrastructure in Indonesia.

Extant scholarship has explored land title registration and its role in legal certainty from a variety of perspectives. For instance, Lisnadia Nur Avivah (2022) underscores the importance of land registration in the Indonesian agrarian legal system and its implications for securing ownership rights. Similarly, Mikha Ch. Kaunang (2016) details the procedural mechanisms of registration under Government Regulation No. 24 of 1997, affirming the legal force of certified titles. Mira Novana Ardani (2019), meanwhile, highlights the implementation challenges of land registration policies within the broader context of national land governance.

In the realm of Islamic legal thought, both classical and contemporary works have addressed land ownership from evidentiary and ethical perspectives. Ownership must be substantiated not only through valid documentation but also through testimony and public acknowledgment (R. Ridwan, 2013). Wahbah al-Zuhaili (2006) emphasizes the utility of written documents to avoid disputes over land, a position that resonates with the evidentiary philosophy of modern positive law (Az-Zuhaili, 2006).

While prior studies have examined land ownership through both legal lenses, few have directly interrogated the legitimacy of land certificates as legal evidence from a comparative standpoint. This study thus

offers a novel contribution by addressing the legal and theological recognition of land title certificates as instruments of proof. It aims not only to interrogate the statutory legitimacy of such documents within the national legal framework but also to elucidate how Islamic principles accommodate the documentary validation of ownership.

Ultimately, this research aspires to enrich academic discourse and offer a more holistic framework for resolving land-related disputes—bridging the epistemologies of state law and Islamic ethics toward a more equitable model of land governance in Indonesia.

RESEARCH METHODS

This study employs a qualitative methodology with a normative-juridical approach (Marendah, 2023), centering on the analysis of statutory regulations related to land ownership certificates and the underlying principles of land ownership in Islamic law. The normative-juridical framework is utilized to examine the legal authority of land certificates under Government Regulation No. 24 of 1997 concerning Land Registration, the Basic Agrarian Law (UUPA) No. 5 of 1960, and other pertinent legislative instruments.

In parallel, the Islamic conception of land ownership is explored through primary sources of Islamic jurisprudence, including the Qur'an, Hadith, and the interpretations of prominent Islamic legal scholars (*fuqaha*).

Data for this research are gathered through library research, encompassing the review of academic books, peer-reviewed journals, legislative texts, and other scholarly documents related to land law and Islamic legal principles. The analysis focuses on the extent to which positive law recognizes land certificates as legitimate proof of ownership, while also assessing the Islamic legal

mechanisms for acquiring land, such as *ihya' al-mawat* (reviving dead land), *hibah* (gifting), *waris* (inheritance), and *waqf* (charitable endowment).

A descriptive-comparative analysis technique is applied (Sugiyono, 2017), enabling the study not only to describe the legal standing of land certificates within the national legal system but also to contrast it with Islamic principles of land ownership. This dual perspective facilitates a deeper understanding of both convergence and divergence between positive law and Islamic jurisprudence regarding land tenure, and assesses to what extent land certificates may be acknowledged as valid evidence of ownership from an Islamic legal standpoint.

To ensure the validity and credibility of the findings, source triangulation is employed (Moleong, 2007), comparing diverse references from both statutory and Islamic legal traditions to construct a comprehensive and nuanced interpretation. The findings are expected to contribute meaningfully to academic discourse on the legal status of land certificates as instruments of ownership evidence across dual legal systems, and to provide policy recommendations for harmonizing positive law and Islamic law in the governance of land rights in Indonesia.

RESULTS AND DISCUSSION

Securing Communal Trust: The Implementation of Land Registration as a Catalyst for Legal Certainty

Land registration serves as a foundational instrument within the legal framework governing land tenure, aimed at ensuring legal certainty and the protection of ownership rights (Amin, 2014). In Indonesia, the regulatory foundation for land registration is established in Government Regulation No. 24 of 1997 on Land Registration, which seeks to guarantee legal

security and uphold administrative order in land governance. Through formal registration, landowners obtain certificates that serve as legally recognized proof of ownership, thereby preempting disputes that often arise from ambiguity or lack of awareness regarding land status.

The land registration process in Indonesia comprises several key stages: the collection of physical and legal data, land parcel measurement, public notification of legal data, issuance of ownership certificates, and archival of land records at the national land office. By institutionalizing land documentation, the state not only affirms ownership claims but also minimizes the risk of competing interests or unauthorized claims. Furthermore, land registration functions as a legal safeguard for landholders in transactions involving sale and purchase, inheritance, grants, and credit collateralization through banking institutions (Putri & Hidayati, 2023).

Despite its importance, the practical implementation of land registration continues to face persistent challenges, particularly in rural communities (Sasmiar, 2023). A substantial portion of the population remains unaware of the strategic significance of land registration, resulting in numerous parcels remaining unregistered. Perceived high costs, bureaucratic complexity, and insufficient government outreach remain core obstacles. To address these concerns, the government has initiated large-scale land certification programs such as the Complete Systematic Land Registration (PTSL) scheme, aiming to expedite asset legalization and formalize land tenure for the broader public (Sasmiar, 2023).

From the perspective of Islamic jurisprudence, land registration aligns with the principle of *hifz al-mal* (protection of

property), which obligates individuals to safeguard their assets from dispossession or illegitimate claims (Mansyur, 2020). Islam emphasizes the necessity of documenting transactions related to property ownership, as enshrined in the Qur'anic injunction (QS. Al-Baqarah [2]: 282), which underscores the importance of written agreements in financial dealings to prevent future disputes (R. Ridwan, 2013; Sri Suwarni, 2010). While certificates may not constitute the sole form of admissible evidence in Islamic legal thought, the act of land registration retains intrinsic value in securing individual rights and preventing ownership conflicts.

Governing Land Ownership: The Institutional Dynamics and Legal Mandate of Indonesian Land Deed Officials (PPAT)

Indonesia's land registration framework adheres to a negative publication system infused with positive elements. This hybrid model implies that the land certificate issued by the National Land Agency (*Badan Pertanahan Nasional*, or BPN) serves as strong prima facie evidence of ownership, yet remains subject to annulment should new evidence surface revealing administrative defects or procedural errors in its issuance. Such a system is designed to strike a balance between legal protection for certificate holders and the possibility of rectifying bureaucratic oversights (Habibi, 2020; Sasmiar, 2023).

Within this framework, the Land Deed Official (*Pejabat Pembuat Akta Tanah*, PPAT) plays an integral role. As a state-appointed legal professional, the PPAT is authorized to draft authentic deeds concerning rights over land, including deeds of sale and purchase, inheritance, grants, and mortgage encumbrances. The PPAT bears the primary responsibility of ensuring legal conformity—verifying that each land transaction aligns

with existing statutory regulations and meets all legal prerequisites prior to registration with the land office (Putri & Hidayati, 2023).

Beyond formal registration, the PPAT is tasked with verifying the validity of ownership documents, ensuring that the land in question is free from disputes, and safeguarding the legal interests of all transacting parties. Consequently, the PPAT's role is pivotal in upholding legal certainty and forestalling fraudulent practices or the abuse of land rights (Sasmiar, 2023).

From the standpoint of Islamic legal thought, the role of the PPAT can be analogized to the values of justice (*al-'adl*) and trustworthiness (*amanah*) in transactional dealings (*mu'amalah*) (Junaidi Abdullah, 2015). A PPAT must act with integrity and impartiality, ensuring that land transactions are conducted equitably and devoid of any elements of *gharar* (ambiguity) or *zulm* (oppression). In Islamic jurisprudence, a valid contract must rest upon clear, transparent, and mutually agreed-upon terms, avoiding harm to any party involved. Therefore, the PPAT carries not only a legal but also a moral mandate to guarantee that the land registration process adheres to both statutory and ethical principles of justice.

Nevertheless, numerous challenges persist in practice. These include insufficient oversight of deed issuance, abuse of authority by unscrupulous PPATs colluding with land mafias, and a general lack of public awareness regarding the legal formalization of land ownership. Thus, there is a pressing need for professionalization of the PPAT corps, as well as strengthening regulatory and supervisory mechanisms within the land registration system to enhance legal certainty and public trust.

Certifying Belonging: The Evidentiary Power of Land Title Certificates in Legitimizing Property Ownership

Land title certificates are official documents issued by the National Land Agency (*Badan Pertanahan Nasional*, BPN), serving as legitimate evidence of ownership over a specific parcel of land. Within Indonesia's positive legal framework, these certificates carry substantial legal weight, as they are the product of a formal registration process governed by statutory regulations (Putri & Hidayati, 2023). As such, land certificates provide legal certainty to their holders and are recognized as valid instruments in land-related transactions, including sales, inheritance, and the resolution of disputes in court.

According to the provisions outlined in Article Nineteen of the Basic Agrarian Law (*Undang-Undang Pokok Agraria*, UUPA) and further elaborated in Government Regulation Number Twenty-Four of the year Nineteen Ninety-Seven, land certificates perform three essential functions. First, they serve as valid proof of ownership, acting as authentic legal instruments that verify an individual's officially registered rights to a specific parcel of land. Second, they provide a legal foundation for land-related transactions, enabling various property dealings such as sales, gifts (*hibah*), inheritance, and even serving as collateral in securing bank loans. Lastly, land certificates offer legal protection for landowners by shielding them from potential claims or disputes over ownership initiated by other parties (Sasmiar, 2023).

In Islamic legal thought, land certificates may also be recognized as valid evidence of ownership, though they are not the sole determinant of proprietorship. Islamic jurisprudence acknowledges several means of

establishing land ownership, such as through testimony (*syabadah*), presumption of continuity (*istishbab*), and customary norms (*urf*). Nevertheless, the principle of record-keeping and documentation is strongly emphasized in Islam. As exemplified in *Surah Al-Baqarah* [2:282], which underscores the importance of documenting financial transactions, the concept of formal registration aligns with Islamic teachings on preserving property rights. Therefore, land certificates may be considered a contemporary form of documentation consistent with Islamic jurisprudence's ethical framework.

However, in practice, instances of certificate forgery and overlapping claims to land ownership remain prevalent, often due to administrative shortcomings within the land registration system (Azmi & Putrijanti, 2024). To mitigate these issues, the government must enhance oversight mechanisms in the issuance process and strengthen the integrity of land records to prevent harm to rightful owners. From the Islamic legal perspective, the misuse of land certificates for illegitimate purposes contravenes the core principles of justice (*adl*) and trustworthiness (*amanah*). Thus, land certificates must genuinely reflect lawful ownership and must not be exploited as tools for unjust enrichment or dispossession.

In conclusion, land certificates play a pivotal role as legal evidence of ownership under both Indonesia's positive law and Islamic legal tradition. Their existence not only guarantees legal certainty for landowners but also serves as a crucial instrument for protecting individual rights and preventing potential conflicts over property claims.

Legitimizing Ownership: An Islamic Legal Inquiry into Land Title Certificates as Instruments of Property Validation

The Concept of Land Ownership in Islamic Law

In Islamic jurisprudence, land ownership is fundamentally rooted in the principle of divine sovereignty—namely, that ultimate ownership of the earth and all it contains belongs to Allah SWT. This doctrine is articulated in the Qur'an: “*To Allah belongs whatever is in the heavens and whatever is in the earth*” (Surah Al-Baqarah [2]: 284). Nonetheless, Islamic law simultaneously recognizes the legitimacy of individual ownership and stewardship over land, provided it is acquired through lawful mechanisms such as sale (*bai'*), inheritance (*faraidh*), donation (*hibah*), endowment (*waqf*), and the revival of barren land (*ihya' al-mawat*) (U. Kamilah Mukhtar Ghaffar et al., 2024).

Within the framework of Islamic legal theory (*fiqh*), ownership (*milk*) is classified into two principal categories: *milk al-tam* (absolute ownership) and *milk al-intifa'* (usufructuary or benefit-based ownership). Absolute ownership entails full proprietary rights, encompassing both the substance (*'ayn*) and the utility (*manfa'ah*) of the land. In contrast, benefit-based ownership refers to the right of use or enjoyment, such as through lease or borrowing arrangements (Shobirin, 2016).

Thus, from an Islamic legal standpoint, the legitimacy of land ownership extends beyond documentary evidence, such as land certificates. It is intrinsically tied to the validity of acquisition methods sanctioned by *shari'ah*, affirming that rightful ownership must be both legally and ethically grounded within the divine moral order.

Proof of Ownership in Islam: Testimony and Documentation

In Islamic jurisprudence, the legitimacy of land ownership is established through multiple forms of evidence that reflect both textual authority and communal practices.

Firstly, testimony (*shahādah*) stands as a foundational pillar in Islamic legal proceedings. The Qur'an (Surah Al-Baqarah [2]: 282) stipulates that a valid testimony must come from two upright men or from one man and two women. This form of oral evidence is particularly significant in land-related transactions, as it provides a direct and reliable means to validate ownership claims and to prevent potential disputes (Faisal Yahya, 2018).

Secondly, Islamic law acknowledges the role of *ijmā'* (consensus) and *'urf* (customary practice) in affirming property rights. When a community broadly recognizes that an individual has possessed or cultivated a piece of land for a sustained period without contestation, such recognition may be deemed sufficient to establish ownership. This anthropological dimension of Islamic law highlights the importance of social continuity and local tradition in the validation of property claims (Musfira, 2022).

Thirdly, written documentation (*kitābah*) is also considered a legitimate instrument of legal proof in Islam. The Qur'anic directive to document financial agreements—also found in Surah Al-Baqarah [2]: 282—underscores the preventive value of written records in mitigating disputes. By extension, land certificates or title deeds serve as recognized forms of documentation, provided they do not conflict with the principles of *shari'ah* (Ismail Pane et al., 2022).

In conclusion, while land ownership certificates are not the exclusive proof of

ownership in Islamic law, they acquire legal and social validity when reinforced by credible testimony and community affirmation. This multifaceted evidentiary approach reflects the integrative nature of Islamic jurisprudence, which harmonizes divine guidance, communal ethics, and practical documentation.

Reviving the Dead Land (Ihya' al-Mawat): Land Ownership in Islamic Legal Thought

One of the foundational concepts of land ownership in Islamic jurisprudence is *ihya' al-mawat*, referring to the reclamation and possession of previously unutilized or barren land. As articulated in a hadith of the Prophet Muhammad (peace be upon him): “Whoever revives dead land, it becomes his property” (Narrated by Abu Dawud and al-Tirmidhi).

This principle underscores that, in Islam, individual ownership is conferred upon the one who cultivates or revives land that previously lacked ownership. It emphasizes a functional and ethical relationship between human labor and the entitlement to land. However, within the framework of state-sanctioned positive law, such ownership is only legally recognized upon formal registration and issuance of a land title certificate. This illustrates a structural divergence between Islamic jurisprudence and statutory legal systems in the process of ownership recognition.

Contrasting Islamic Law and Statutory Law in Land Certification

Under Indonesia’s positive legal system, a land title certificate (*sertifikat hak atas tanah*) constitutes robust legal evidence of ownership, in accordance with Government Regulation No. 24 of 1997 concerning Land Registration. In contrast, Islamic law does not rely solely on bureaucratic instruments to validate ownership, but rather recognizes various *shar’i* mechanisms—such as physical

cultivation, community acknowledgment, and historical usage.

The following table outlines the comparative dimensions between Islamic legal principles and statutory regulations regarding land ownership:

Table 1.

Comparison Between Islamic Law and Positive Law
Regarding Land Ownership Rights

Legal Aspect	Islamic Law	Positive Law
Basis of Ownership	Legitimate transactions (such as sale, inheritance, endowment, gift, <i>ihya' al-mawat</i>)	Land registration through the National Land Agency (BPN)
Means of Proof	Testimony, <i>urf</i> (customary practices), written documentation	Land certificate
Recognition of Ownership	May be based on land cultivation or stewardship without formal documentation	Requires official registration and certification
Land Dispute Resolution	Resolved through a <i>qadhi</i> (Islamic judge) using witness testimony and customary norms	Resolved through state judiciary using formal certificates

From the comparative table above, it can be concluded that land certificates align with Islamic law in terms of documentation and safeguarding property rights. However, Islamic legal thought further emphasizes justice and collective welfare, advocating that land ownership must contribute to the broader well-being of the community.

Land Dispute Resolution in Islamic Law

In Islamic jurisprudence, the resolution of land ownership disputes follows a tiered process grounded in both ethical principles and legal formalism. The initial stage emphasizes *tabayyun*, a phase of clarification and mediation, wherein Islam promotes

islah—the pursuit of reconciliation and peaceful settlement—as a moral imperative prior to initiating litigation. If the dispute persists, the process transitions into evidentiary procedures, where *syahadah* (witness testimony) and *yamin* (oath-taking) become central mechanisms of truth-seeking. In this context, the Prophet Muhammad (peace be upon him) affirmed a foundational legal maxim: “The burden of proof lies upon the claimant, and the oath is upon the one who denies” (Hadith narrated by Tirmidhi and Muslim). Should these efforts fail to resolve the conflict, the matter is escalated to a *qadhi*, an Islamic judge, who delivers a ruling based on *dalil syar’i* (legal proofs from Shari’ah) and the overarching pursuit of justice.

Conversely, within Indonesia’s positive legal framework, land disputes are settled through formal judicial avenues such as civil courts or the State Administrative Court (*Pengadilan Tata Usaha Negara*, PTUN). When a land certificate is challenged on grounds of illegitimacy, and if proven to have been procured through unlawful means, the court retains the authority to annul the certificate, thereby restoring legal integrity and safeguarding rightful ownership.

Integrating Islamic and Positive Law in Land Ownership Recognition

To establish greater coherence between Islamic jurisprudence and Indonesia’s statutory legal framework in the realm of land administration, a number of integrative strategies may be implemented. One such approach involves the incorporation of *Sharia*-based principles into land registration practices. Specifically, the Islamic doctrine of *ihya’ al-mawat*—the revival of abandoned or neglected land—could be formally recognized by the state, allowing communities that have engaged in long-term stewardship to gain legal acknowledgment of

ownership. This would not only reinforce land justice but also recognize indigenous and customary relationships with land.

Furthermore, the certification process itself could be enriched by embedding Islamic legal elements. The inclusion of *syahadah* (testimony) and *urf* (local customary practice) during land validation procedures may lend socio-religious legitimacy to ownership claims, especially in rural or communally governed areas. Additionally, institutionalizing mediation mechanisms inspired by Islamic principles of *islah* (reconciliation) would serve as a culturally resonant and ethically grounded alternative to adversarial litigation. By promoting peaceful resolution rooted in faith-based values, such mechanisms could bridge formal law with communal trust.

Islamic law views land ownership not merely as a formal right inscribed in legal documents, but as a moral and spiritual trust (*amanah*), deeply tied to principles of justice, public benefit (*maslahah*), and equitable stewardship. Ownership may thus be substantiated through oral testimony, long-standing usage, and collective recognition within the community—elements that transcend mere bureaucratic certification.

Although the land certificate is upheld in Indonesia’s positive law as a valid legal proof of ownership, Shari’ah insists upon both procedural and ethical legitimacy. The act of possessing land must be aligned with the moral fabric of society, ensuring that access to land serves broader social welfare and reflects the values of justice and compassion espoused in Islamic tradition. Such a harmonized legal approach has the potential to make Indonesia’s land tenure system more inclusive, just, and socially attuned.

CONCLUSION

In this study, it is concluded that land title certificates hold a position of paramount importance within Indonesia's legal framework as legitimate evidence of ownership. Under Indonesia's positive law, certificates issued by the National Land Agency (*Badan Pertanahan Nasional* or BPN) constitute valid and binding proof of land ownership. These certificates offer legal protection to landholders, not only in cases of land disputes but also in administrative and regulatory matters. Indonesian agrarian law recognizes land certificates as authentic legal instruments, whose validity may only be challenged by more compelling counter-evidence.

From the perspective of Islamic law, land ownership is grounded in the concept of lawful acquisition (*al-milkiyyah*) through legitimate contractual mechanisms such as sale (*bay'*), gift (*hibah*), or inheritance (*mirāth*). Islamic jurisprudence emphasizes the necessity of clarity, legitimacy, and justice in property ownership, asserting that land or assets must have a traceable and lawful provenance, free from elements of fraud or injustice. Accordingly, land certificates align with the ethical and legal principles of Islamic law by reinforcing transparency, justice, and rightful possession.

The evidentiary authority of land title certificates is thus recognized across both legal systems—Indonesia's statutory law and Islamic jurisprudence. Within the Islamic legal paradigm, such certificates substantiate ownership and safeguard the rights of proprietors by providing legal certainty. Therefore, land certificates serve as an effective instrument in establishing legal clarity and in protecting individual property rights, in accordance with both state and religious legal doctrines.

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