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Boundary Witness Exclusion and Administrative Defect in Village-Issued Land Documents: An Empirical Legal Analysis of SKT/SKGR Issuance in Tambusai Timur, Indonesia

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ABSTRACT

This study investigates the legal validity of Land Ownership Certificates (Surat Keterangan Tanah/SKT) and Compensation Certificates (Surat Keterangan Ganti Rugi/SKGR) issued without the involvement of boundary witnesses (saksi sempadan) at village level, focusing on the Tambusai Timur Village Office, Rokan Hulu Regency, Riau, Indonesia. Using an empirical juridical approach, primary data were collected through field interviews with the village head, the land transaction applicant (Sulaiman), and the boundary witness (Rizal), supplemented by statutory analysis and documentary review. The findings demonstrate that the issuance of SKT/SKGR without boundary witnesses is administratively valid as a village service product but fails to satisfy formal and material legal validity requirements. This practice contravenes the principles of agreement and good faith under Articles 1320 and 1338 of the Indonesian Civil Code, and is inconsistent with Article 18(1) of Government Regulation No 24 of 1997, which mandates the consent of adjacent landowners in boundary determination. Under Article 19 of the Basic Agrarian Law and Article 97 of Government Regulation No 18 of 2021, SKT/SKGR functions solely as an administrative indicator rather than strong evidence of land rights. Causative factors include factual field constraints, administrative pressure from applicants, and suboptimal invocation of alternative mechanisms under Article 37(1) of Ministerial Regulation on Agrarian Affairs No 3 of 1997 and Article 22(2) of Ministerial Regulation ATR/BPN No 6 of 2018. This study makes an original contribution to Indonesian agrarian scholarship by interrogating the administrative pre-stage of land registration at village level a dimension previously neglected in the literature.

Keywords: *Land Certificate (SKT); Compensation Certificate (SKGR); Boundary Witnesses; Legal Validity; Village Land Administration*

1. INTRODUCTION

Land is the foundational legal asset of Indonesian rural society. As a non-renewable resource that anchors agricultural production, residential security, and long-term capital accumulation, it generates among the most consequential legal claims that rural actors make upon the state. The formal architecture for protecting those claims is constitutionally anchored: the Basic Agrarian Law (*Undang-Undang Nomor 5 Tahun 1960* UUPA) mandates national land registration as the instrument through which the state guarantees legal certainty (*kepastian hukum*) over land rights [1]. Government Regulation No. 24 of 1997 (PP 24/1997) operationalises that mandate through systematic and sporadic registration procedures culminating in a BPN-issued certificate the strongest form of land title under Indonesian law [2].

Yet the formal titling system remains dramatically incomplete. With an estimated 40 50 million parcels still unregistered, the practical reality for most rural landholders is that their possession is documented not by a

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BPN certificate but by village-issued instruments principally the SKT, a statement confirming possession of unregistered land, and the SKGR, a certificate documenting land transfer through compensation payment [3], [4]. Both are issued by village heads (*kepala desa*) or sub-district officers and function as the pre-registration evidentiary foundation upon which BPN registration applications are built. They are, in a structural sense, the gatekeepers of formal tenure security [5].

The legal position of these instruments is carefully delimited. Under Article 97 of Government Regulation No. 18 of 2021 (PP 18/2021), SKT and SKGR serve solely as *petunjuk* (administrative guidance) preliminary indicators of possession, not conclusive proof of legal title. Their evidentiary utility is contingent entirely on the procedural integrity of their production. A document accurately reflecting boundary conditions, supported by independent witness confirmation, and issued in compliance with prescribed procedure carries meaningful if qualified evidentiary weight. One produced through abbreviated or defective procedure does not [6], [7].

The procedural requirement most directly bearing on document integrity is the involvement of boundary witnesses. Article 18(1) of PP 24/1997 requires that land boundaries be confirmed, as far as possible, with the agreement of adjacent landowners a codification of the *contradictoire delimitatie* principle that boundary determination must be conducted adversarially, with all affected parties present. Article 34(2) of Ministerial Regulation on Agrarian Affairs No. 3 of 1997 (Permen Agraria 3/1997) operationalises this by requiring that boundary determination involve adjacent landowners and at least two witnesses with direct knowledge of the parcel's physical limits [8]. Without this confirmation, the boundary data in a village-issued document reflects only the unilateral account of the applicant data that cannot be independently verified, may be actively disputed, and exposes the document to administrative challenge.

This article investigates the legal consequences of violating that requirement, through a case study of SKT No. 592.11/SKRT/PEMT/TT/72, issued by Tambusai Timur Village Office, Tambusai Sub-district, Rokan Hulu Regency, Riau Province. Sulaiman (a pseudonym) applied for an SKT; village officials conducted the land measurement without involving Rizal (a pseudonym), the adjacent landowner. After the SKT was completed, Sulaiman sought Rizal's signature only to have Rizal refuse, on the grounds that the recorded boundaries did not correspond to the mutually understood physical conditions. The resulting document could not be used for BPN registration, leaving Sulaiman without a path to formal tenure security and creating the conditions for a boundary dispute that may require judicial resolution.

The case is not isolated. Empirical work on Indonesian village land administration consistently documents the pragmatic bypassing of procedural requirements under operational pressure, but has seldom examined the specific legal consequences for individual documents or the institutional conditions that normalise such bypassing [9]. Existing scholarship on SKT/SKGR focuses primarily on their evidentiary status in post-dispute litigation [10] or their role in PTSL (systematic land registration) programmes, [11] leaving the pre-registration administrative stage analytically underserved. This article fills that gap by: Providing a systematic doctrinal analysis of the formal and material validity of SKT/SKGR issued without boundary witness participation under the full range of applicable legal instruments; Situating that doctrinal analysis within an empirical account of why procedural failures persist at village level, drawing on field data from Tambusai Timur; and Proposing a theoretical reframing of boundary witness participation and a preventive administrative model for reform

2. THEORY of DESCRIPTIONS

2.1 Research Gap in the Prior Literature

Indonesian land law scholarship is a mature field concentrated around three dominant thematic clusters. The first and largest concerns formal land registration: the legal effects of BPN-issued certificates, the mechanics of first registration under PP 24/1997, and administrative implementation failures in national programmes such as PTSL [12], [6], [13]. The second concerns land dispute resolution: judicial cancellation of overlapping certificates, administrative rectification proceedings, and mediation mechanisms before religious and civil courts [14], [15]. The third examines the evidentiary standing of informal and customary land documents in litigation contexts, including village-issued instruments and ulayat rights documentation [8], [2], [16].

Within the smaller body of work directly concerning SKT and SKGR, the primary focus has been on their legal basis for issuance at village or sub-district level, their standing as evidence of land acquisition in

registration proceedings, and the legal certainty consequences of their administrative abolition following national land reform [5], [17], [18]. One study has specifically examined the liability of sub-district heads (*camat*) for SKGR issued at that administrative level [1]. What is conspicuously absent from this scholarship is sustained analysis of the procedural conditions under which these documents are produced. The literature has examined what SKT/SKGR means after issuance; it has not examined whether these documents were validly produced in the first place.

This gap matters for three structural reasons. First, the pre-registration stage is the point of first entry into the formal land system: defects introduced here propagate through all subsequent administrative and legal processes. Second, boundary confirmation at village level is an inherently preventive mechanism its function is dispute avoidance, not dispute resolution which makes procedural failure there qualitatively different from failure at the BPN level. Third, village administrative capacity is structurally distinct from BPN institutional capacity, and the factors that explain village-level procedural failure require different analytical tools than those deployed in studies of formal registration dysfunction.

2.2 Theoretical Framework

a. Legal Certainty Theory

Legal certainty theory provides the principal normative foundation for analysing the validity and reliability of village-issued land documents. In classical legal theory, legal certainty requires legal norms to be clear, stable, predictable, and capable of guiding legal subjects in determining their rights and obligations. In the Indonesian land law context, legal certainty is not merely a theoretical ideal but a core objective of land registration. Widiyono and Khan argue that the acquisition of land rights under Indonesia's national land law must be supported by legal certainty so that landholders can identify, prove, and defend their rights within the formal legal system. Similarly, Yasa, Sudiarawan, Dwijayanthi and Pranajaya explain that land rights certification is closely connected to the state's obligation to reduce agrarian conflict and respond to public demands for secure and predictable land tenure [19].

This theory is particularly relevant to SKT and SKGR because both documents function as preliminary evidence in the pre-registration stage. Although they do not constitute conclusive proof of ownership, their administrative function is to assist the identification of possession, boundaries, and the factual basis for subsequent registration. An SKT that records boundaries without confirmation from adjacent landowners does not produce genuine legal certainty. Instead, it creates an appearance of certainty while inserting an unresolved factual dispute into an official village document. This analytical framework is therefore used to assess whether SKT/SKGR issued without boundary witness participation can fulfil the legal certainty function expected in Indonesia's land administration regime [20], [21].

b. Administrative Legality Theory

Administrative legality theory is used to examine whether the issuance of SKT/SKGR by village officials satisfies the requirements of lawful governmental action. The doctrine of *rechtmatige overheidshandelen* requires every administrative act to be grounded in authority, conducted through proper procedure, and consistent with substantive legal requirements [11]. In the context of land administration, legality is not limited to the existence of administrative competence; it also requires procedural discipline and factual accuracy in the production of land-related documents.

This framework is consistent with recent Indonesian land law scholarship. Ali, Hasibuan, Fautanu and Halim emphasise that the administrative system of the National Land Agency requires a legally ideal construction of land ownership, in which administrative documents must support, rather than undermine, legal certainty [22]. Mashdurohatun and others also underline that the registration of transfer of land rights must be understood as part of a justice-based legal system, where administrative procedures must protect parties from defective or unreliable documentation [23]. Applied to the authority of a village head to issue SKT/SKGR, competence may generally be satisfied because village officials possess limited administrative authority to issue land statements within their territorial jurisdiction. However, procedural legality is not satisfied when adjacent landowners or boundary witnesses are excluded from the measurement and verification process. Substantive legality is also weakened when the document records boundary data that are inaccurate, unilateral, or disputed.

c. Legal Protection Theory

Legal protection theory provides the evaluative basis for determining the function of boundary witness participation. Legal protection may operate preventively, by preventing disputes before they arise, or repressively, by providing remedies after a violation or dispute has occurred [24]. In land administration, preventive legal protection is especially important because land disputes often produce long-term social, economic, and administrative consequences. Ardiansyah and Susilastuti argue that legal protection for land rights holders must be strengthened within the land registration process because registration is intended not only to record rights but also to protect right holders from uncertainty and competing claims [24]. Firdaus, Utama and Putrijanti similarly show that legal protection and legal certainty through systematic land registration require reliable administrative processes capable of reducing future disputes [13], [25].

Boundary witness participation is therefore best understood as a preventive legal protection mechanism. Its purpose is to ensure that all affected parties confirm the physical limits of a land parcel before those limits are recorded in an official document. When this preventive mechanism is bypassed, the parties are pushed toward repressive mechanisms such as objection, mediation, administrative correction, or litigation. These remedies are more costly, slower, and less capable of preserving legal certainty than verification at the initial administrative stage. Accordingly, the exclusion of boundary witnesses represents a failure of preventive legal protection within village-level land administration.

d. Legal System Theory

Legal system theory is used to analyse why procedural defects continue to occur even when the relevant legal rules are formally available. Friedman's theory divides the operation of law into three interconnected elements: legal structure, legal substance, and legal culture. Legal structure refers to the institutions and officials responsible for implementing law; legal substance refers to the rules, norms, and doctrines governing legal conduct; and legal culture refers to the attitudes, habits, and behavioural patterns that influence how legal actors apply those rules.

This framework is useful for analysing the Tambusai Timur case because the problem does not arise solely from the absence of legal norms. The substantive rules requiring boundary confirmation are relatively clear. However, those rules may be weakened by structural limitations in village administration, including limited technical capacity, weak verification mechanisms, and dependence on informal administrative practices. They may also be undermined by legal culture, particularly when officials and applicants treat boundary confirmation as a formality rather than as a legal safeguard. Peterson, Bedner and Berenschot show that land conflicts in Indonesia are often shaped by the tension between legal formalism and the complex social realities of land control [14]. Arifin and others also demonstrate that Friedman's theory remains relevant for analysing how justice and legal certainty depend not only on written rules but also on the institutional and cultural environment in which those rules operate [26]. Thus, the failure to involve boundary witnesses should be understood as a systemic problem involving legal substance, administrative structure, and legal culture at the village level.

3. RESEARCH METHODOLOGY

This article employs an empirical juridical research design (*penelitian yuridis empiris*), combining doctrinal analysis of primary and secondary legal materials with qualitative empirical investigation of village-level land administration practices [27]. This design is appropriate because the validity of SKT/SKGR cannot be assessed only from statutory provisions, but must also be examined through the administrative practices by which such documents are produced, verified, and used in pre-registration land administration. Recent studies on village-issued land documents and land administration in Indonesia show that legal certainty in land matters is strongly affected by the quality of local administrative procedure, the evidentiary reliability of village certificates, and the consistency between village-level documentation and formal land registration requirements.

This article employs an empirical juridical research design (*penelitian yuridis empiris*), combining doctrinal analysis of primary and secondary legal sources with qualitative empirical investigation of administrative practices at village level [27]. The research was conducted in Tambusai Timur Village, Tambusai Sub-district, Rokan Hulu Regency, Riau Province, between January and February 2026 .

The doctrinal component deploys a statutory approach (*pendekatan perundang-undangan*) and a conceptual approach (*pendekatan konseptual*). Primary legal materials analysed include: the UUPA (UU No. 5 of

1960); PP No. 24 of 1997 on Land Registration; PP No. 18 of 2021; Permen Agraria 3/1997; Permen ATR/BPN 6/2018; the Civil Code (KUHPerdata), specifically Articles 1320, 1338, 1365, 1865, 1868, 1874, and 1875; and UU No. 30 of 2014 on Government Administration. Secondary materials include peer-reviewed journal articles, legal textbooks, and prior empirical studies of Indonesian land administration. Consistency between cited instruments and their official Indonesian government sources was verified throughout [18], [28].

The empirical component employs a case study approach focused on SKT No. 592.11/SKRT/PEMT/TT/72. Semi-structured interviews were conducted with five respondents selected through purposive non-random sampling: (1) the Village Head of Tambusai Timur; (2) the Head of General Affairs (*KAUR Tata Usaha dan Umum*); (3) the land applicant (pseudonym: Sulaiman); (4) the adjacent landowner who declined to sign as boundary witness (pseudonym: Rizal); and (5) one academic legal expert. Interviews were recorded, transcribed, and thematically coded. Documentary analysis was conducted on the SKT itself, the application file, and related village administrative records. Respondents are identified by role to protect personal privacy; informed consent was obtained in each case. Data were analysed using qualitative triangulation, cross-referencing interview findings with statutory norms and doctrinal interpretation [29].

Interviews were recorded, transcribed, and thematically coded. The main coding categories were: administrative authority, measurement procedure, boundary witness participation, documentary accuracy, refusal to sign, legal certainty, evidentiary value, and dispute potential. Documentary analysis was also conducted on the SKT itself, the application file, and related village administrative records. Respondents are identified by role rather than by personal name to protect privacy, and informed consent was obtained before each interview. Data were analysed through qualitative triangulation by cross-referencing interview findings, documentary evidence, statutory norms, and doctrinal interpretation. This triangulation was necessary to determine whether the absence of boundary witness participation constituted a mere administrative irregularity or a defect affecting the evidentiary reliability and legal certainty function of the SKT.

4. RESULTS AND DISCUSSION

4.1 The Legal Position of SKT/SKGR as Pre-Registration Instruments

SKT and SKGR occupy a precisely delimited position in Indonesia's land administration hierarchy. They are not certificates of land rights and cannot of themselves create, transfer, or extinguish registered rights. Under Article 97 of PP 18/2021, both instruments function exclusively as *petunjuk* in the context of land registration preliminary evidentiary indicators of possession, not conclusive proof of legal title. This limited standing is complemented by their civil law characterisation: as documents issued by a village head who is not a notary or general official (*pejabat umum*), SKT/SKGR are akta di bawah tangan (private instruments) under Articles 1874–1875 of the Civil Code, deriving evidentiary force from acknowledgment rather than from the document itself [2], [8].

Despite these limitations, both instruments are procedurally indispensable. Without them, no first-registration application can be initiated at BPN. They anchor the factual representation of possession that BPN officers examine in deciding whether to proceed with measurement and publication. And as the Tambusai Timur case demonstrates, a procedurally defective SKT whose boundary data is contested by an adjacent landowner cannot serve even this preliminary function. In the words of the Village Head: *"Kalau saksi sempadan tidak dilibatkan sejak awal, SKT yang sudah diterbitkan bisa menjadi bermasalah dan tidak dapat digunakan untuk pengurusan sertifikat."* [30] If the boundary witness is not involved from the outset, the SKT that has been issued can become problematic and cannot be used for certificate processing.

4.2 Boundary Witnesses as a Preventive Legal Safeguard

The legal function of boundary witnesses is inadequately understood if it is treated merely as a formal requirement. It is a substantive safeguard, grounded in the *contradictoire delimitatie* principle. A boundary is not a physical fact determinable by one party unilaterally; it is a socially constructed line that acquires legal meaning only through mutual recognition by the parties whose interests it separates. The requirement of boundary witness participation is the mechanism through which that recognition is obtained and recorded before it is inscribed in an official document.

Article 18(1) of PP 24/1997 embodies this logic [31, Art. 18(1)]. The requirement that boundaries be "confirmed as far as possible with the agreement of adjacent landowners" is not a formality capable of

being waived for operational convenience; it is the mechanism through which a unilateral claim is transformed into a socially valid boundary. Article 34(2) of Permen Agraria 3/1997 specifies that at least two witnesses with direct knowledge of the parcel must be present at boundary determination [32, Art. 34(2)]. Where adjacent landowners are genuinely unavailable, Article 37(1) of Permen Agraria 3/1997 and Article 22(2) of Permen ATR/BPN 6/2018 provide for a documented temporary measurement procedure using alternative witnesses a mechanism that maintains the independence of boundary confirmation while accommodating operational constraints [33], [34].

The Tambusai Timur case is instructive precisely because neither the standard procedure nor its documented alternative was followed. Rizal was not involved in measurement; no attempt was made to identify an alternative witness; and no administrative record was created explaining Rizal's absence. The Village Head confirmed in interview that this practice was not exceptional:

> "Ada kalanya pemilik tanah yang berbatasan langsung tidak ikut hadir saat pengukuran karena sulit dikumpulkan atau tidak berada di tempat... kondisi seperti ini sebenarnya bisa menimbulkan masalah." [30]
> *[Sometimes adjacent landowners are not present at the time of measurement because they are difficult to convene or are not in the area... conditions like this can actually cause problems.]*

Rizal's account confirmed the consequence from the adjacent landowner's perspective: he had received no notification of the measurement, had not been invited to verify boundary conditions, and discovered that the SKT recorded boundaries that diverged from the long-established mutual understanding with Sulaiman [35]. His refusal to sign was legally justified: Article 1320 of the Civil Code requires consensus as a validity condition for any legal act, and Rizal had never been a party to any boundary determination process [36, Art. 1320]. Boundary witness participation, on this analysis, is not a procedural ritual it is the moment at which consensus on boundary conditions is legally constituted [17], [37].

4.3 Administrative Validity: Competence, Procedure, and Substance

Applying the *Rechtmatige Overheidshandelen* framework to the Tambusai Timur SKT reveals a document that satisfies the competence element but fails on both procedural and substantive grounds. On competence: village heads possess statutory authority to issue SKT/SKGR for parcels not exceeding 2,000 m², derived from Article 76(2) of PP 24/1997 and Article 44 of Permen Agraria 3/1997. This authority is not conditioned on following prescribed procedure; it inheres in the office. The competence element is satisfied, and the SKT has formal administrative existence as a village document [31, Art. 76(2)], [32, Art. 44].

On procedure: the failure is clear. Article 18(1) of PP 24/1997 requires boundary consent from adjacent landowners as part of the measurement process. Article 34(2) of Permen Agraria 3/1997 requires witness presence during boundary determination. Neither requirement was met. Measurement was conducted on the basis of Sulaiman's unilateral account; Rizal's involvement was sought only after the document was complete, inverting the procedural logic that the rules establish. The Village Head's acknowledgment that this is a "sometimes" practice confirms a systemic rather than exceptional deviation [30].

On substance: the SKT's boundary data does not reflect mutually confirmed physical conditions but a unilateral assertion that was subsequently contested. This is the material defect the document's content does not accurately represent the facts it purports to record. The consequence, under Indonesian administrative law doctrine, is that the document is *dapat dibatalkan* (voidable) rather than *batal demi hukum* (void ab initio): it retains administrative existence but is legally vulnerable to challenge by any affected party and cannot be relied upon as strong evidence for BPN registration [17], [37]. Table 1 synthesises the regulatory analysis across the principal applicable instruments.

Table 1. *Regulatory Framework: Validity Analysis of SKT No. 592.11/SKRT/PEMT/TT/72*

Legal Instrument	Relevant Provision	Requirement	Status in Tambusai Timur Case
KUHPerdata, arts 1320, 1338	Consensus and good faith as validity	Mutual agreement on boundaries required	Not satisfied: no boundary consensus reached; Rizal

	conditions		excluded from process
UUPA (UU 5/1960), art 19(1)	Registration to guarantee legal certainty	Documents must be capable of grounding legal certainty	Not achieved: boundary data contested, document unusable for registration
PP 24/1997, art 18(1)	Boundary consent of adjacent landowners	Consent obtained so far as possible	Violated: Rizal not involved in measurement; no documented attempt to notify
PP 24/1997, art 34 (via Permen Agraria 3/1997, art 34(2))	Two witnesses with knowledge of boundaries	Witnesses present at boundary determination	Violated: no witnesses present; measurement based solely on applicant's account
PP 18/2021, art 97	SKT/SKGR as petunjuk only	Docment valid only as preliminary guidance	Existence confirmed; but defects render it unusable at BPN stage
Permen Agraria 3/1997, art 37(1)	Temporary measurement procedure	If witnesses unavailable, documented alternative required	Not invoked; no berita acara recording Rizal's absence created
UU 30/2014, arts 80–81	Administrative sanctions for procedural breach	Compliance with prescribed procedure mandatory	Risk of administrative sanction for Village Head not excluded

Source: Author's analysis, compiled from cited legal instruments.

4.4 Evidentiary Consequences of Boundary Witness Exclusion

The evidentiary weakness of SKT produced without boundary witness participation flows from its failure to satisfy the conditions that confer probative force on documentary evidence. Under Article 1865 of the Civil Code, the party asserting a right bears the burden of proving it. The SKT is the instrument through which a land applicant meets that burden in registration proceedings. But an SKT whose boundary data has been contested by the adjacent landowner and which was produced without that landowner's participation cannot discharge the burden. The document's probative value is limited to what the applicant's unilateral assertion can establish, which is less than the independent confirmation the regulatory scheme demands [16].

The practical consequences cascade across multiple proceedings. At BPN, the registration officer examining the application will encounter a document whose boundary data conflicts with the account of the adjacent landowner; this constitutes grounds for suspension or rejection of the registration application under Article 30(1) of PP 24/1997. In any subsequent civil litigation, the SKT's lack of boundary confirmation makes it vulnerable to challenge as a partial and unreliable account: under Article 1875 of the Civil Code, private instruments derive their evidentiary force from acknowledgment by the party against whom they are used acknowledgment Rizal explicitly withheld. And if the Village Head's administrative conduct is scrutinised, failure to follow prescribed procedure creates potential liability under Articles 80–81 of UU 30/2014, with criminal exposure under Article 263 of the Criminal Code if any element of document falsification is found [31, Art. 30(1)], [15].

Sulaiman's interview precisely articulates the practical endpoint of this cascade: *"Akhirnya SKT tersebut tidak bisa saya gunakan untuk mengurus sertifikat ke BPN."* [38] In the end, the SKT could not be used to process a certificate at BPN. The document that was supposed to be the entry point to formal tenure security became instead the source of legal paralysis.

The administrative and criminal implications are also significant. If the village official’s conduct is examined administratively, failure to follow prescribed procedure may create accountability under the Government Administration Law, particularly where the issuance of the document is found to involve procedural irregularity, abuse of authority, or maladministration [39, Arts. 80–81]. If there is evidence that false information was intentionally inserted into the document, the issue may also move beyond

administrative irregularity into the domain of document falsification under Indonesian criminal law [40, Art. 263]. Recent studies on village head liability in land certificate issuance confirm that erroneous or falsified land documents may expose village officials to legal responsibility where the document causes harm or is used to support an unlawful land claim [41], [42].

The Tambusai Timur case illustrates the concrete endpoint of this evidentiary cascade. Sulaiman stated that the SKT could not ultimately be used to process a land certificate at the National Land Agency because the adjacent landowner refused to sign as a boundary witness [38]. The document that was intended to function as the entry point into formal tenure security instead became a source of legal paralysis. This shows that the evidentiary value of SKT/SKGR does not depend only on the existence of the document, but also on the procedural reliability of the facts recorded in it

4.5 Institutional Causes: A Friedman Analysis

The persistence of boundary witness exclusion in Tambusai Timur is not attributable to ignorance of legal requirements. The Village Head demonstrated in interview that the procedural requirement was known and its risks understood. The causes are institutional structural conditions that make compliance difficult to sustain against competing pressures. At the level of legal structure, village offices operate without formal standard operating procedures (SOPs) for SKT/SKGR issuance. Implementation is left to the discretion of individual officials, which varies with personnel capacity and external pressure. Supervisory oversight from sub-district and BPN offices is infrequent and does not include systematic review of village-level documentary compliance. The structural accountability framework is, in effect, absent [27].

At the level of legal substance, the regulatory framework does provide viable procedural alternatives when adjacent landowners are genuinely unavailable: Article 37(1) of Permen Agraria 3/1997 permits temporary measurement with documented notation, and Article 22(2) of Permen ATR/BPN 6/2018 provides for alternative witnesses from community elders or others with relevant knowledge. These alternatives would satisfy the independence requirement of boundary confirmation while accommodating operational constraints. The fact that they are not invoked reflects not their inadequacy but their invisibility in the village administrative consciousness.

At the level of legal culture, a permissive administrative culture treats boundary witness participation as a post-measurement formality rather than a substantive precondition. This cultural disposition is reinforced by applicant pressure for rapid service delivery the Village Head noted that applicants "terus mendesak supaya suratnya cepat selesai" [keep pressing for their letter to be finished quickly] [30] and by the absence of any sanction for procedural shortcuts that do not immediately produce complaints. The result is a system in which the structural, substantive, and cultural elements of the legal system reinforce one another in producing and reproducing procedural failure.

Table 2. *Friedman Framework: Institutional Causes of Boundary Witness Exclusion*

Friedman Element	Deficiency Identified	Manifestation in Tambusai Timur	Implication for Reform
Legal Structure	No SOP for SKT/SKGR issuance; no supervisory oversight	Village Head exercises unchecked discretion; deviations go unsupervised	Mandatory SOP; periodic BPN audit of village documentation practices
Legal Substance	Alternative witness procedures not invoked; risk documentation not created	Art 37(1) Permen Agraria 3/1997 and Art 22(2) Permen ATR/BPN 6/2018 effectively ignored	Clarifying guidance on alternative procedures; mandatory berita acara when witnesses absent
Legal Culture	Permissive culture treating boundary witness as post-hoc formality; applicant pressure normalised	Measurement proceeds without witnesses to avoid delay; Rizal contacted only after document completed	Mandatory pre-measurement notification; legal literacy training for village officials

Source: Author's fieldwork analysis, January–February 2026.

4.6 Legal Consequences and Remediation Pathways

The legal consequences of issuing SKT/SKGR without boundary witnesses operate across three legal domains. In administrative law, the document is voidable: it remains in existence but is susceptible to administrative cancellation. A BPN registration officer identifying the procedural defect has grounds to suspend the application pending remediation through re-measurement with boundary witnesses or documentation of the alternative procedure under Permen Agraria 3/1997 Article 37(1). In civil law, the adjacent landowner holds a cause of action under Article 1365 of the Civil Code for the correction of boundary data that infringes on their rights; they may also seek judicial confirmation of the correct boundary through ordinary civil proceedings. In administrative responsibility, the Village Head who issued the defective document risks sanctions under Articles 80–81 of UU 30/2014, ranging from written reprimand to removal from office; criminal exposure under Article 263 of the Criminal Code exists if any element of document falsification is found.

Remediating the specific defect in the Tambusai Timur SKT would require one of three pathways: (i) renewed boundary measurement with Rizal present and consenting; (ii) where agreement cannot be reached, invocation of the temporary measurement procedure under Article 37(1) of Permen Agraria 3/1997, followed by the 30-day public notification period under Articles 26–27 of PP 24/1997 and, if objection persists, judicial determination of the correct boundary; or (iii) administrative cancellation of the defective SKT and fresh commencement of the issuance process. None of these options is cost-free; all would have been avoided by correct procedure at the outset.

4.7 Toward a Preventive Administrative Model

The findings of this study support the development of a preventive administrative model for village-level land documentation addressing the structural causes of boundary witness exclusion. Such a model should comprise seven elements [43]:

a. Mandatory pre-measurement notification: Village offices required to notify all adjacent landowners at least seven days before scheduled measurement, with written confirmation retained on file.
b. Written boundary witness confirmation: No SKT/SKGR issued unless signed boundary statements are obtained from adjacent landowners or, where this is not possible, the documented alternative procedure under Permen Agraria 3/1997 Article 37(1) is completed with a formal berita acara.
c. Digital archiving: Village land records including measurement sketches, witness statements, and procedural documentation maintained in a digital registry accessible to BPN and sub-district offices.
d. Geotagged boundary documentation: Where resources permit, GPS coordinate recording and geotagged photographs providing an independent factual record of physical boundary conditions.
e. Village-level SOPs: Written standard operating procedures for SKT/SKGR issuance, approved by the sub-district head, specifying each procedural step and required documentation.
f. Pre-issuance objection mechanism: A 30-day public notification period during which adjacent landowners may lodge formal objections to proposed boundary determinations, prior to final issuance.
g. Legal literacy training: Regular training for village officials, delivered by BPN and sub-district offices, on land registration procedures, boundary determination requirements, and the legal consequences of procedural non-compliance.

4.8 Policy Implications

The study's findings carry implications at three levels of the Indonesian land administration system. At the village level, the most urgent reform is the adoption of written SOPs for SKT/SKGR issuance that make boundary witness participation a non-negotiable precondition. This requires no legislative change it can be implemented through ministerial guidance or sub-district directives. Village offices should also be required to maintain contemporaneous administrative records of any case in which the standard procedure cannot be completed, documenting the reason and the alternative steps taken.

At the sub-district and BPN level, supervisory mechanisms for village-issued land documents need systematic strengthening. Periodic audits of village land documentation practices focused specifically on procedural compliance would detect systemic failures before they produce registered defects. BPN registration officers should be trained to identify procedural defects in supporting documents and to invoke the remediation pathways discussed in Section 4.6 rather than rejecting applications without explanation.

At the national level, the Ministry of ATR/BPN should issue supplementary guidance clarifying the administrative and legal consequences of boundary witness exclusion, the proper use of alternative witness

procedures, and the documentation requirements for each. More broadly, the national land registration agenda including PTSL cannot achieve its legal certainty objectives if the pre-registration documentary stage remains exposed to systemic procedural failure. Investment in village administrative capacity is a necessary complement to BPN-level registration infrastructure, not an optional afterthought.

The findings also carry comparative implications. Indonesia is not unusual in relying on village-level administrative instruments as the pre-registration evidentiary foundation for formal land titling. Similar structures exist across much of Sub-Saharan Africa, South and Southeast Asia, and Latin America, where first-registration programmes depend on local documentation practices that may or may not comply with applicable procedural requirements. The analytical framework developed here treating boundary witness participation as a preventive legal safeguard and diagnosing institutional failure through a structural/substantive/cultural lens is applicable across this wider comparative context

4.9 Research Limitations

This study has several limitations that should be considered when interpreting its findings. First, the empirical evidence is drawn from a single village case, namely the issuance of SKT No. 592.11/SKRT/PEMT/TT/72 by the Tambusai Timur Village Office, Rokan Hulu Regency, Riau. The institutional patterns identified here the absence of village-level SOPs, limited supervisory oversight, and a permissive administrative culture illuminate how boundary witness exclusion arises and what legal consequences follow, but they are not statistically representative of all Indonesian villages, and any generalisation beyond this case should be made with caution. Second, the interview data rely on five purposively selected respondents. This sampling suits an in-depth doctrinal-empirical inquiry, but it may not capture the full range of views among village officials, applicants, adjacent landowners, and land registration officers, and respondents' accounts of a disputed boundary may be shaped by their own interests. Third, the fieldwork was conducted over a short period (January–February 2026), so the study cannot assess how procedural practices change over time or whether the dispute was ultimately resolved through the remediation pathways discussed in Section 4.6.

Further research across a wider range of village contexts particularly in regions with higher land transaction volumes and more complex boundary environments is needed to test the generalisability of these patterns. Future studies might also examine systematically the interaction between village-level documentation practices and BPN registration outcomes across a larger sample of cases, assess the effectiveness of alternative witness procedures where they are invoked, and compare boundary witness mechanisms across Southeast Asian land administration systems.

5. CONCLUSION

This article has examined a specific and underexamined failure mode in Indonesian land governance: the routine exclusion of boundary witnesses from village-level land document issuance, and the legal and institutional consequences that follow. The doctrinal analysis demonstrates that SKT/SKGR issued without boundary witness participation is administratively valid in the narrow sense that it has been produced by an officer with competence to issue it. Beyond that narrow sense, however, it fails systematically. It does not satisfy the procedural requirements of PP 24/1997 Article 18(1) or Permen Agraria 3/1997 Article 34(2). Its boundary data reflects unilateral assertion rather than mutual confirmation. It cannot withstand challenge from the adjacent landowner and cannot serve its function as a pre-registration evidentiary instrument. Under the framework of administrative legality, it is a voidable administrative act; under legal certainty theory, it is an instrument that creates uncertainty rather than resolving it; under legal protection theory, it is a failure of preventive protection that displaces costs onto all affected parties. The empirical analysis identifies the institutional conditions that explain why this pattern persists: absent village-level SOPs, infrequent supervisory oversight, inadequate awareness of alternative procedures, and a permissive administrative culture that treats boundary witness participation as a post-hoc formality rather than a constitutive element of valid document production. These conditions map onto Friedman's three dimensions of the legal system, pointing toward targeted reform at the structural, substantive, and cultural levels simultaneously. The article's theoretical contribution is to reframe boundary witness participation as a preventive legal safeguard in the land governance system not a bureaucratic ritual, but the mechanism through which unilateral land claims acquire the social validity, factual reliability, and legal legitimacy they need to sustain formal registration. When this safeguard is bypassed, the pre-registration stage fails in its core function, and the costs are distributed across applicants, adjacent landowners, the village administration, and the land registration system as a whole. Subject to the limitations discussed in Section

4.9, the policy recommendation that emerges most clearly from this research mandatory village-level SOPs for SKT/SKGR issuance with boundary witness participation as a non-negotiable precondition is achievable immediately, at low cost, and with the potential for significant impact on the legal certainty that Indonesia's Basic Agrarian Law has long promised its rural landholders.

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