

Registration of Land Ownership Rights as a Registration of Legal Security and Legal Protectionland Rights Holders

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Abstract

There aren't any yet guarantee certainty law on land often trigger happen disputes and feuds on land in various regions in Indonesia except in Merauke Regency. Apart from among society, fine between families, no seldom dispute land also occurs between stakeholder's interests (entrepreneurs, state-owned companies and government). That matter prove importance certificate land as sign proof law on owned land. Slow manufacturing process certificate land during This become principal attention government. For cope problem the government through the Ministry of ATR/BPN has create a National Priority Program in the form of Acceleration Systematic Land Registration Complete (PTSL). Through this program, the government give guarantee certainty law or right on owned land public. This PTSL method is innovation government through the Ministry of ATR/BPN for fulfil need base community: clothing, food and shelter. the program poured in Ministerial Regulation No. 12 of 2017 concerning PTSL and Instructions President No. 2 of 2018. Award guarantee certainty law to holder right on land has arranged in related UUPA articles with registration land. Articles 23, 32 and 38 of the UUPA are aimed at holders the rights concerned so that they get certainty about their rights, while Article 19 of the UUPA is aimed at to government as something instructions to be carried out throughout Indonesia registration land with system *Rechts Cadastre* that is something system purposeful recording for give certainty law. Registration land in Indonesia can done with method systematic and sporadic. Research methods used is Empirical Legal research, aside study law in a way theoretical or normative, will to study law in its implementation.

Paper Type: Research Article

Keywords: Land; Legal Certainty; Legal Protection

Note: The total of word accounts in the abstract should not be more than 300 words



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Introduction

Based on on provision law the above, then can understood that certificate own function as tool proof right on land. Juridical data and physical data contained in certificate can as tool strong evidence over the field status land that. This give guarantee to owner field land regarding land status his, if will transferable too more easy Because field land has recorded in the book land at the Land Office local. Development enforcement law moment This is related with the associated judicial process strength law A certificate Lots arise wherever they are sign owned by on land besides certificate made as tool proof in trial, like use of Girik, Pipil, and so on. Use tool proof form sign owned by on land of course justified formerly before arranged use certificate, however moment this use sign owned by land must be converted the shape become certificate. Many decisions the court confirmed it use sign owned by the land of Girik, Pipil, and so on That For cancel its publication certificate although has more from 5 (five years).

See fact said, certificate Still Not yet give guarantee protection law for the owner and this naturally become dilemma Because certificate Still can face demands lawsuit law to fill in the legal data and physical data even though has arranged in provision legislation that certificate is proof ownership right on strong ground. On the lawsuit the can done cancellation certificate if of course can proven its publication certificate based on faith No good and flawed formal (Harsono, 2002).

With objective publishing certificate that provides guarantee certainty and protection law for the owner, with exists lawsuit the law is carried out on base proof sign owned by land like Girik, Pipil, and so on, of course rule out existence certificate. That Alone as tool strong evidence on ownership field land. Even in Justice sometimes arise doubt in many law suit filed on dispute agraria that occurred.

Methodology

Study This use Empirical Legal research, namely something approach research conducted For analyze so far where effectiveness something legislation or law in the public. (1) For approach principal problem in writing this is used specification study descriptive analytical, that is intended research For give description in a way detailed, systematic and comprehensive humans and conditions/symptoms other. (2) Study This try describe problem law, system law and study it or analyze it in accordance with need from study

Study This implemented in Merauke with location study is at the Land Agency Office Merauke Regency, and related agencies. Research sites this chosen based on approach authority and level involvement agency the. Deep data study This is primary data, and secondary data: (1) Primary Data Primary data is data obtained in a way direct from field. Apart from that, it is also used material primary law, viz regulation related legislation with study This. Data collection begins with secondary data collection

through studies bibliography. (2) Secondary Data Secondary data in study This is books, journals and related documents with study this and obtained through studies bibliography. Data collection begins with secondary data collection through studies bibliography. Secondary data that has been analyzed will used as guidelines for make a list of questions. a list of questions the used later as an instrument for primary data collection through interview deep (in depth interview) to informants and respondents. Data from respondents done with use method accidental sampling. Based on method that, then selected respondents is apparatus government, and society.

Data analysis process was carried out in a way keep going continuously started with examine all available data from various source. Data analysis was carried out in a way qualitative to the information obtained from interview nor studies bibliography. Data analysis was carried out after data collection stage.

Results and Discussion

Government Efforts in Give Guarantee Legal Certainty to Publication Land Rights Holder registration right on Land in each country is different depends from system the laws adopted by that country. There are 2 (two) types publication registration right on land in general carried out by countries in the world, namely system publication negative and system publication positive. System publication negative done with use system registration form deed, meanwhile system registration positive done with use system registration form registration right. Government efforts in give certainty law for holder right on land done with do repair in services and systems registration right on priority land convenience for owner right For obtain juridical data and physical data without must carry out a title search on the Land Office system. With system publication positive then the Land Office do identification and recording on field land with determine subject law the applicant with tell it in the book land. Before did it recording in books land, especially PPAT did it first checking about document the applicant submitted and did recording especially at the office, so submitted document scan tested the truth on land status the. Related with importance land as source life that, then registration land is especially urgent (important) things in life increasingly society complex mature This. Registration land is road a very ideal exit for obtain instruments that have strength or strong evidence (inform certificate) for holder right on land the that he is the authority or powerful in a way legitimate on something field land that has been registered. Based on Regulation Government Number 24 of 1997 concerning Registration land, registration land Alone aims :

- a. "For give certainty law and protection law to holder right on something field land, unit House arrangement and other rights listed in order with easy can prove himself as holder relevant rights;
- b. For provide information to

interested parties including The government so that with easy can obtain the necessary data in stage deed law about fields land and units House arrange what you have registered, for implementation orderly administration land". In line with Regulation Number 24 of 1997, according to Boedi Harsono, goal registration land is in order of activity registration That can created something circumstances Where: 3a. "The people and legal entities who own it land with easy can prove that they are the ones who have the right on land that's right what is owned and which land is owned? this goal achieved with give letter sign proof right to holder the rights concerned.

- b. Anyone who needs it can with easy obtain available information trusted about lands located in the relevant registration area (good He candidate buyer or candidate creditors) who want obtain certainty, whether information provided by the candidate seller or debt or That Correc. this goal achieved with give characteristic open for general on the stored data". In terms of registration land as has explained above, more carry on explained that For ensure certainty law for holder right on land, according to Queen Government for holder right on land that has been registered will given certificate as tool strong evidence. This matter in accordance with article 4 of the Regulations Government Number 24 of 1997 which states:

"For give certainty and protection law as intended in Article 3 letter a to holder the rights concerned given certificate right on land". the registration object land as arranged in Regulation Government Number 24 of 1997 is:

1. Fields owned land with right property, HGU (Cultivation Rights), HGB (Hak Building Use), and HP (Use Rights).
2. Land Management Rights.
3. Waqf Land.
4. Ownership Rights Apartment units.
5. Mortgage rights.
6. State Land (special for state land registration done with method book field the land concerned in the land register and not published certificate above it). Temporary to object registration other land, recorded in map registration and books land as well as published certificate as letter sign proof his rights.

Registration land this Alone organized by the National Land Agency at the level Regency or Regional Level II organized by the Land Office or Land Registry Office. Registration land by the National Land Agency is form from right control the internal state matters this power executive (aside there is also authority legislative and judicial). Relate with registration land in frame ensure certainty law, then to entitled party will published certificate as proof his rights.

Article 32 paragraph (1) and (2) Regulations Government Number 24 of 1997 concerning The Land Registry states that: "Certificate is letter sign proof applicable rights as tool strong proof regarding the physical data and juridical data contained

therein, as long as the physical data and juridical data the in accordance with existing data in letter measure and book land the rights concerned”.

Related with object registration land Where certificate as tool proof rights, then There is many kinds of certificate based on object registration land in Regulation Government No. 40 of 1996 and Regulations Government Number 24 of 1997, namely: a. "Freehold Title. b. Cultivation Rights Certificate. c. Certificate of Building Use Rights on State Land. d. Certificate of Building Use Rights on Land Management Rights. e. Certificate of Use Rights on State Land. f. Certificate of Use Rights for Land with Management Rights. g. Land Management Rights Certificate. h. Waqf Land Certificate. i. Certificate of Ownership of the Flat Unit. j. Certificate of Ownership Rights for Non-Flat Units. k. Mortgage Rights Certificate”

If something time there is lawsuit or demands law in court on object land that has been published the certificate, then all existing information in certificate the have strength strong proof throughout no there is other that disproves it. In completion case civil, then proof letter is very important evidence in obtain truth, certainty and justice in something matter.

Certificate right on land as proof letter (written) has Lots function for the owner. Function main certificate is as tool strong evidence. That matter mentioned in Article 19 UUPA Number 5 of 1960 as has explained previously. With there by any body can prove right on the land when has clear name listed in certificate the as holder. Things you can proven in certificate right on land the is: a). kind of rights on land (whether right property, right to use building, rights to use business or right mastery land other. b). holder right. c). Information physique about object land. d. event the law that occurred with land”.

With Thereby if something time there is lawsuit or demands law in court on object land that has been published certificate by an authorized official, then all existing information in certificate have strength strong proof throughout the data presented in certificate in accordance with book ground and along no there is other evidence that disproves it. Obstacle Carry out Registration of Land Ownership Rights Head of Land Office form and determine Committee PTSL and task force adjudication, which is outlined in form decision. Formation and determination committee PTSL and unit adjudication task the among others:

1. Head of the Land Office form and determine committee PTSL and task force adjudication, which is outlined in form decision.
2. Committee PTSL adjudication consists on: a. Chairman concurrently member, held by an employee office land; b. Vice Chairman field physique concurrently member, held by an employee office land that understands affairs infrastructure land; c. Vice Chairman field juridical concurrently member, held by an employee office land that understands affairs connection lawland; d. Secretary, held by employees office land; e. Village

Head or ward local or Village Officials or designated sub district; And f. Member from element office land, accordingly need.

3. Committee PTSL adjudication is assisted by the task force physical, task force juridical, and task force administration.

Obstacles and barriers the among other things, low interest Low community participation interest participation from public This can seen when officer from office land come to location that has been set become PTSL location, but was found when officer knock door House inhabitant for do socialization, and delivery that the land will done measurement, the person currently Busy. Before done measurement something field land, especially formerly field boundaries are set the land concerned. For obtain physical data, fields the land will mapped measured, after set location, boundaries and according to his needs placed boundary signs at each corner field the land concerned. Whereas originating obstacles from factor external, still Lots deep society do transition right on the land No made before the PPAT at once no did it registration transition to the Land Office."

Obstacles that occur among others: a. Obstacles that arise from internal factors, within matter This is at the Land Office. The obstacles that exist at the Land Office are differentiated into two, namely obstacle in facet technical or implementers and obstacles in facet bookkeeping. Obstacle in facet technical or executor, that is obstacles seen from facet executor, in matter This concerning source Power humans, including: 1) Lack source Power human, deep matter this power expert in the field land, which handles registration transition right on land mentioned in Sub Section transition right charges and PPAT. Implementation service registration transition right on land no is light work will but is a lot of hard work need power expert in his field. 2) Collision interest employee between interest work with interest personally, both of them You're welcome important. Lack of power expert in work This cause happen collision interest between interest personal employee with interest work, which is both felt seen important. 3) Busy Land Office in matter This is the Agrarian and Spatial Planning Office. Land Office work is very busy. His busyness sometimes postpone work This For a number of time forever, because felt There is something necessary interests resolved moreover first, which is very important from work other. Forexample, for interest service, which requires The Head of Office leaves all work at the Land Office the. So that time solution work This become delayed until a number of long time. Obstacle from facet technical or executor This cause view public become negative about implementation registration transition right on land at the Agrarian and Spatial Planning Office. "Then that's natural perhaps with lack power expert, solution work This become late because not enough exists balance between available personnel and required tasks resolved."

Obstacles faced by the Community in implementation registration land, no regardless from exists role as well as public as winner right on land. However Likewise, society also experiences it obstacles so that implementation registration transition right

owned by No walk with desired intentions and hopes. A number of factor obstacles that arise consists from factor external, internal matter This public himself, that is Lack of Community Understanding. From the results interviews conducted author, of understanding public of its importance implementation registration transition right owned by on land. There are still many communities, especially in remote villagesdeepdo transition right on the land through sell purchase made below hands, no carried out before the PPAT.

Conclusion

1. Legal Protection to Land Rights Holders can done Through the Activity Process Land Registration. Registration land done with objective For obtain something certainty law and certainty right for holder right on land . With exists registration right on land so holder right on land will get proof ownership right on land form certificate and this will creates a feeling of security for those concerned. With exists certificate land will give certainty law and protection law to holder right on land. Certainty law means can is known with definite and clear Who holder right on land and what object right on the land concerned. Guarantee protection law given to hold right on land that has been certified while There is the other party is submitting it lawsuit or claim from the other party above ownership right on land someone. Goal publishing certificate in activity registration land is order holder right with easy can prove that himself as holder his legal rights.
2. Obstacles in implementation registration right owned by on land at the Merauke Land Agency Office matter This can caused by lack of understanding factors functionality and usability certificate, Community Perception Factors Required Expensive Costs For Carry out Land Registration, Presumptive factors required a longtime in management certificate, Factor of presumption of rights on owned land already very strong, System negative publicity.

References

- Boedi Harsono, 1994, Indonesian Agrarian Law, History of Formation Constitution Tree Agrarian. Contents and Implementation, Volume I National Land Law, Djangkat, Jakarta.
- Effendi Warin. Indonesian Agrarian Law, an Study from a Legal Practitioner's Point of View. Jakarta: Raja Grafindo. 1994.
- Supriadi, 2010, Agrarian Law, Print Fourth, Rays Graphics, Jakarta.
- Soerjono Soekanto, Introduction Legal Research, Jakarta: UI Press, 2012.
- The 1945 Constitution of the Republic of Indonesia.

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Law no. 05 of 1960 Concerning Basic Rules Basics Agrarian.

Regulation President Republic of Indonesia No. 20 of 2015.

Presidential Decree Number 34 of 2003, Concerning National Policy in the Field
Land.