REGIONAL REGULATION OF LAND REGISTRATION IN INDONESIA RELATED TO GOVERNMENT REGULATION NO. 24 OF 1997 CONCERNING LAND REGISTRATION

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ABSTRACT

Land issues are a complex and multi-functional and cross-sectoral issue involving various aspects of life in society. Therefore, the handling of this land issue cannot be seen on one side only, but must be comprehensive and integrated in order that the settlement can be completed. Similarly, in the case of land registration of community members, especially those in Karawang regency, each agency related to the land program is primarily related to the issuance of certificates on land to be functionally and thoroughly mobilized to take part in the handling of land issues in accordance with the scope individual work. Coordination undertaken by the National Land Agency should have cooperation and cooperation network with all related institutions and the need for handling of land issues that are strategic, including in the case of land registration. This research uses normative juridical method, using secondary data which then analyzed by using qualitative analysis technique. The results showed determination of land registration especially in Karawang regency if viewed from the Law no. 5 of 1960, in principle, is as set forth in Article 46 through Article 72 of Regulation of the Minister of Agrarian Affairs / Head of BPN Number 3 of 1997 concerning the Regulation of the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration. Sanctions granted to land apparatus that deviate from the legal provisions in land registration are submitted to a general criminal act, even if there is evidence of violations in the allocation of funds, it may be criminalized as an act of corruption.

Keywords: certainty, law, land
1. INTRODUCTION

Land issues are a complex and multi-functional and cross-sectoral issue involving various aspects of life in society, therefore the handling of this land issue cannot be seen on one side only, but must be comprehensive and integrated in order that the settlement can be completed. Similarly, in the case of land registration of community members, especially those in Karawang regency, each agency related to the land program is primarily related to the issuance of certificates on land to be functionally and thoroughly mobilized to take part in the handling of land issues in accordance with the scope individual work. Coordination undertaken by the National Land Agency should have cooperation and cooperation network with all related institutions and the need for handling of land issues that are strategic, including in the case of land registration. [1]

Land issues are not uncommon due to the implementation of executive officers who are not orderly and not responsible in providing public services to the public. Many internal problems in the body of the land apparatus that facilitate the affairs of the land, request services, conduct illegal fees and abuse of authority and position, it is for the wider community is not a secret anymore. Such a thing is certainly a lot of harm to the community either concerning the funds wasted and the length of time to take care of the land letters are felt carried out protracted, not to mention added with the unsympathetic treatment of the land apparatus, if the registration of land registration is not followed by "Giving" to the apparatus concerned. [2]

In other conditions the problem of roles, especially regarding the registration of land, sometimes also arise from the community itself, such as the existence of conditions that do not rule out the existence of the control of rural lands by the city people resulted in not optimally optimizing the land, and even tend to abandoned land, as well as in the management of the land letters. Many of the conditions of ownership of rural land by urban communities merely serve as commodities for multiplying profits, keeping in mind the price of land that will always rise in the future. Another problem that arises from the community itself concerning the issue of land letters is that not all land certificates issued by villages such as girik have been converted into land certificates that have certainty over their ownership rights and even now often re-emerge new girik that further complicates the problem of land ownership in the community.

In addition, land issues that arise in the community are the existence of quasi-ground mutations based on the agreement of sale and purchase commitments by notarial deed which in fact ownership of the land has been transferred to others, but as if there has been no formal mutation of the right to the land. [3] In fact, not infrequently elements of the land apparatus do commercialization of positions and abuse of authority and position.

Given the importance of land for the state and also especially for the people, so in various problems of land that arise often motivated by the touch of sense of justice. The current structural inequality of land ownership is still widely believed to be controlled by the urban community as an injustice. Many of the conditions of injustice are also felt by the lower community as in the case of the interests of development, many of the land belonging to
citizens who are not large enough to be relinquished to be displaced or removed land ownership for the benefit of road construction for example The problem of justice arising in the implementation of land and in the eviction of land for the interests of development is mainly in determining the appropriate compensation, where the determination of land prices in the community is only decided unilaterally without involving the community landowners in the deliberation of land pricing will be driven or forced to sell for reasons of constructive importance. [4]

This condition is exacerbated by a lack of knowledge about land law rules for land implementing officers, as well as the depletion of land service apparatus idealism so that land-related policies are perceived to lose opportunities to be implemented effectively and efficiently. Implementation of the policy in the field of land is felt to begin to decrease the positive intensity and not anymore can be seen as part of the struggle to build prosperity of the people who can provide assurance of legal certainty, as aspired, but more seen as a routine activity, confusion over land-related policies that ultimately lead to legal uncertainty in the community.

In the case of the handling of land issues, including creating legal certainty over the ownership of community lands in the form of ownership of land certificate there are two interests that must be harmonized namely the interests of individuals who often involve people in one side and the interests of other parties (the community) must be considered.

In a still developing country and also the condition of the people who are not yet very capable in terms of economy with all the limitations of funds, but in terms of ownership and legal certainty of land belonging to citizens should still take precedence, this is one of the reasons why the implementation of the registration program on land and land certificate issuance programs, for the lower community especially those in rural areas in Kabupaten Karawang. [5]

Based on the above background explanation, it can be drawn a formulation of the problem as follows: How the implementation of the land registration program is reviewed from Law No. 5 of 1960 jo. PP. No. 24 Year 1997? and What are the legal consequences of irregularities in the implementation of the land registration program?

2. LITERATURE REVIEW
Law is a rule that cannot be separated from our daily lives where each of our joints of life is under the auspices of the Land is a part of the earth's crust which is composed of minerals and organic matter Certainty (law) is legal instrument of a country that is able to guarantee the rights and obligations of every citizen.

3. RESEARCH METHOD
The approach method used in this study is the empirical normative juridical approach, with the specifications of analytical descriptive research. Primary data sources are obtained through field observations, especially through interviews with several sources, while secondary data is mainly obtained from archives and other library sources, while data collection and analysis techniques use a qualitative approach.
4. RESULT AND DISCUSSION

4.1. Overview of Land Registry Implementation In view of Law no. 5 of 1960 jo. PP. No. 24 of 1997

In principle the stages of land registration are the same as the stages of the implementation of systematic land registration. The procedure / stages of systematic registration shall be stipulated in Articles 46 to 72 of the Regulation of the Minister of Agrarian Affairs / Head of BPN Number 3 of 1997 concerning the Regulation of Implementation of Government Regulation No. 24/1997 on Land Registration, which applies also in the stages of land registration. In general, the stages of land registration are as follows:

1. Locating the location
   Location determination is as follows:
   a. The Minister shall determine the location of the land registration systematically on the recommendation of the Head of Regional Office.
   b. The systematic unit of land registration locations is the whole or part of a village area.
   c. The proposed systematic registration of the land registration locale as referred to in paragraph (1) shall be based on the work plan of the Land Affairs Office by prioritizing the village area which:
      1. Some of its areas have been systematically registered
      2. The number of parcels registered is relatively small, ie ranging up to 30% (thirty percent) of the estimated number of parcels.
      3. Is an office development area with high development level
      4. Is a productive agricultural area
      5. Available points of national engineering.
   d. Registry of land is systematically financed by central or regional government budget or independently by the community with the Minister's consent.

2. Formation of Land Registration Committee and Task Force (Satgas)
   Establishment of land registration committee and task force, in the implementation of land registration using the provisions in the implementation of land registration systematically so using the same term that is the adjudication committee described as follows:
   a. The adjudication committee in the registration of land systematically carried out in the framework of government programs and task forces that helped it was established by the Minister for each village that has been established as the location of land registration systematically.
   b. The adjudication committee in the registration of land systematically carried out with community self-help and the task force that helped it was formed by the Head of the regional office.

3. Counseling
   Counseling, are as follows:
   a. Prior to the commencement of the land registration, there will be counseling in the region or part of the village concerned regarding the systematic registration of land by the land office assisted by the adjudication committee in coordination with the relevant agencies, namely:
1. District / City Government
2. Land and Building Tax Office
3. District Office
   b. The counseling referred to in paragraph (1) aims to notify the holder of the right or proxy or other parties concerned that in the village will be held systematic land registration and the purpose and benefits to be obtained from the registration of land
4. Physical data collection
Physical data collection, is as follows:
   a. Prior to the measurement of the parcels of land, a land boundary shall be established and the installation of border markings in accordance with Articles 19, 20, 21, 22 and 23 of the BAL.
   b. If the measurement of land parcels is carried out by the National Land Agency staff, the boundary determination shall be conducted by the measurement and mapping taskforce on behalf of the head of the adjudication committee.
   c. If the measurement of the parcels of land is carried out by a third party, the determination of the boundary of the parcel shall be carried out by the juridical data collection task force on behalf of the adjudication committee.
   d. Determination of the boundaries of parcels of land shall be carried out after they have been made in accordance with the schedule submitted to the community as referred to in Article 56 paragraph (4) of the UUPA
5. Collection and research of juridical data. The collection and research of juridical data shall be carried out for the purpose of researching the juridical data of the plots of land by collecting evidence of ownership or control of the land, whether written evidence or unwritten evidence in the form of witness statements and/ or relevant information indicated by the right holder land or their proxies or other interested parties to the adjudication committee.
6. Physical data collection and endorsement
Physical data collection and endorsement are as follows:
   a. The recapitulation of juridical data which has been poured into the research report of juridical data and the determination of the boundary as referred to in Article 62 concerning the land plots already mapped in the map of the fields as referred to in Article 58 jo Article 31 shall be included in the list of juridical data and data physical plot of land (list of contents 201C), which is the list of contents as referred to in Article 25 paragraph (2) of Government Regulation No. 24 of 1997.
   b. To provide an opportunity for those concerned to file an objection on physical data and juridical data collected by the Adjudication Committee, the list of juridical and physical data of the land plot (list of 201C contents) as referred to in paragraph (1) and the map of the parcels shall be announced using a 30 (thirty) day entry list in the office of the Adjudication Committee and the Village Head office
7. Conversion confirmation
The affirmation of the conversion shall be based on the minutes of the endorsement of physical data and juridical data as referred to in Article 64 paragraph (1) shall be carried out activities, namely the right to land which has complete written evidence as referred to in Article 60 paragraph (2) and whose written evidence is incomplete.
8. Bookkeeping rights.

Bookkeeping of rights is as follows: Based on the evidence as referred to in Article 23 of Government Regulation Number 24 of 1997 affirming the conversion and recognition of rights as referred to in Article 65 and the stipulation of granting of rights as referred to in Article 66 of land rights, management rights and land the concerned is recorded in the land book.

9. Issuance of certificate

Issuance of certificates, are as follows:

a. For land rights, management rights and wakaf land already listed in the land books and eligible for evidence given in accordance with the provisions of Article 31 of Government Regulation Number 24 of 1997 shall be issued a certificate.

b. The juridical data included in the certificate shall include restrictions on limitations as referred to in Article 68 paragraph (2)

c. The documents of evidence as referred to in Article 60 paragraph (2) which are the basis of the bookkeeping are crossed out with ink by not causing unreadable writing or stamped or stamped stating that the document has been used for the bookkeeping of the right, before saved as warkah.

10. Delivery of activity results

Submission of results of activities, are as follows:

a. After the end of the systematic registration of land registration, the Head of the Adjudication Committee shall submit the results of its activities to the head of the land office in the form of all documents concerning the plots of land on the ground of systematic land registration including:

   1. Registration map
   2. List of land
   3. Letters
   4. Book of land
   5. List of land
   6. Certificates of land rights which have not yet been submitted to rights holders
   7. List of land rights
   8. Warkah-warkah
   9. List other fields

b. The submission of the results of activities as referred to in paragraph (1) shall be executed with the minutes of handover.

11. Report

After the stages that have been determined by Regulation of the Minister of Agrarian Affairs No. 3 of 1997, then the next stage is the preparation of reports.

4.2. Legal Effects In the event of Irregularities in Land Registry

In an effort to improve the service of certificate issuance through land registration program, especially in Karawang regency, it is necessary to review the various implementation of national agrarian reform with land certification program through land registration especially in Karawang regency, where various efforts or efforts have been made so that the implementation can run smoothly, but still there are still some obstacles, among others:
1. Obstacles from community / land registration participants include:
   a) The soil is not fitted with a stake, so the boundary of the land is not clear. Efforts that can be done by the government in this case is with the installation of the stakes are also witnessed by the neighboring limit.
   b) Can’t be present at time of measurement of ground plane Efforts that can be made by the government in this case is to cultivate measurements in time as soon as possible.
   c) Landowners are not aware of the origin or history of the land because it is obtained through buying and selling under the hands. Efforts that can be made by the government in this case is by working with village elders.
   d) The size of the land is not in accordance with the area stated on the evidence of ownership Letter C. Efforts that can be done by the government in this case is to be made broad statement.

2. Obstacles perceived by the Land Office 38
   a) The proof of acquisition owned by the applicant is incomplete, even there is no such receipt, and other proof of land ownership.
   b) Less quickly to complete the lack of files, such as inheritance certificate, sales letter from the seller.
   c) There are still many tax letters (SPPT - PBB) parent that has not been broken.

3. Though already scheduled, during the land inspection by the applicant officer is absent, then present the next day.

The above obstacles are overcome with the tolerance of the time limit for the collection of extended requirements beyond the stipulated time limits. This does not lead to the withdrawal of land certificate implementation through land registration in Karawang regency

Since the independence of Indonesia the goal of overhauling the colonial agrarian law has existed, by creating national agrarian laws based on Article 33 paragraph (3) of the 1945 Constitution. However, because the work to create a law that is unification applicable to all of Indonesia is not an easy task, it is only on September 24, 1960 that these ideals can be accomplished.

The reform of colonial law by creating a national in the field of land can’t be separated from the notion of landreform in Indonesia, so that the Basic Agrarian Law itself is called as the mother of Indonesia landreform, which is the Indonesian national revolution aimed at among others.

   a) Make a fair division of the livelihood of the peasants in the form of land in order to have a fair share of results as well.
   b) In order for the land really to farmers prevent speculation and extortion.
   c) To strengthen and extend land tenure for every Indonesian citizen, both men and women who are socially functioning. An acknowledgment and protection of private privileges, property rights as the strongest entitlements are private and hereditary but function socially.
   d) End the landlord system and abolish unlimited land ownership and fraud by establishing the maximum and minimum limits for each family.
   e) Eradicate the liberalism system and provide protection to the weak economic class.
f) Enhance national production and encourage intensive agriculture in mutual assistance and cooperatives

In improving the services in the field of land in the framework of giving certainty of rights, the Government has made policy of acceleration of land certificate through mass certification activity in land registration. This policy is intended to enable any weaker-class society to have a certificate of land rights at a lower cost, in order to provide legal certainty to the holders of land rights. Land registration is one of the activities organized by the government in the field of land with a subsidy in the field of land registration in particular, in the form of mass to certificate in order to help the weak economic class.

Land registration is a national policy on land that intends to provide legal certainty for holders of land rights in order to improve or support the implementation of land reform and resolve disputes thoroughly at a low cost. In addition to empowering organizations and human resources.

Implementation of this land registration is an effort by the government to provide stimulation and participation to the holder of land rights in order to carry out its land certificate and try to help resolve strategic land disputes by giving the community the facilitation and ease and empowerment of the organization and human Resources. Land registration is one of the efforts to achieve Land Order Chess which includes:

a) Order of land law. The order of land law aims to have each land to have a certificate, so that the land has a legal certainty as well as a strong right. This is one proof that the law of land law has been well implemented.

b) With the land certificate, it is expected that land disputes can be avoided.

c) Order of land administration.

Orderly land administration aims to improve the quality of land office services to the community with a fast, easy and low cost, which is expected to bring benefits to the community, especially the weak economic class.

d) Orderly use of land.

The order of land usage is meant to be developed an understanding of the importance of land use in a planned way to obtain optimal, balanced and sustainable benefits, as regulated in the Law on Spatial Planning as regulated in Law no. 24 of 1992, because there are still many lands that have not been cultivated or utilized in accordance with the allocation, and vice versa many land use is not in accordance with spatial planning.

e) Orderly maintenance of the land and the environment.

f) Orderly maintenance of the land and the environment is intended as an effort to prevent soil damage and maintenance of soil fertility and maintain the sustainability of natural resources contained thereon and in it.

In this connection the population growth factor and its uneven distribution, often leads to a concentration of population or the occurrence of urbanization that exceeds the capability of the capacity of one region and encourage the use of land without regard to soil conditions and environmental sustainability.

The legal basis of land registration is:

a) Law Number 5 Year 1960 on Basic Provisions of agrarian;

b) Decree of the Minister of Home Affairs No. 189 of 1981 on the National Agrarian Operations project, effective from 15 August 1981;

c) Government Regulation No. 24/1997 concerning Land Registration;
d) Regulation of the Minister of Agrarian Affairs / Head of National Land Agency Number 3 of 1997 concerning Implementation of Government Implementation Regulation Number 24 of 1997 on Land Registration.

In the implementation of land registration, the purpose of land registration is as follows:

a) Providing stimulus to the community, especially the holder of the right to land, to be willing to make the certificate of rights that it has.

b) Raise awareness of community law in the field of land

c) Assist the government in terms of creating a peaceful and peaceful community life atmosphere

d) Growing community participation, especially landowners in creating

e) Political stability and economic development

f) Grow a sense of togetherness in resolving land disputes.

g) Provide legal certainty to holders of land rights

h) Familiarize the community with the right to land to have authentic proof of such right.

With the definite efforts of the Government and the support of the wider community to succeed the registration of land in particular in Karawang regency and general throughout Indonesia, so registration of land can really help the community to have ownership proof of land ownership. The process of obtaining the certificate does not have difficulty with low cost. The cost of land registration stipulated in the Decree of the Minister of Home Affairs Number 594 of 1982 dated November 26 is as follows:

a) For the economically weak group, its operational costs are subsidized by the Central Government’s budget through APBN and through Local Government through APBD.

b) For the group capable of operating expenses charged to self-supporting community members who will receive the certificate.

Basically land registration is a project of land certification for the community which some also get funding support or subsidy from the Government through the State Budget (APBN) which is charged to the National Land Agency. Land certification through land registration provides many advantages over self-made certificate. These benefits include, among other things, the subsidy from the Government, so that the applicant of the certificate obtains a waiver of costs and the speed of the issuance process of the certificate in accordance with the stipulated time.

Given the strategic nature of the mass certification program implemented in the registration of this land, as well as the financing budget using the State budget, violations of these activities may be filed on a general criminal act, even if there is evidence of a violation in the allocation of funds, it may be criminalized as an act of corruption which can be handled specifically in terms of settlement of the case through the Corruption Eradication Committee.

5. CONCLUSION

Determination of land registration especially in Karawang regency if viewed from the Law no. 5 of 1960, in principle, as set forth in Article 46 through Article 72 of Regulation of the Minister of Agrarian Affairs / Head of BPN Number 3 of 1997 concerning the Regulation of the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration. Sanctions granted to land apparatus that deviate from the legal provisions in

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Land registration are submitted to a general criminal act, even if there is evidence of violations in the allocation of funds, may be criminalized as an act of corruption.

NOTES
2. Ibid, p. 50.
4. Ibid, p. 30

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