

The Mechanism for Issuing Property Rights Certificates by the Land Office based on Village Letter C (Case Study at BPN Kendal Regency)

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Abstract. *The state's recognition of land rights owned by legal subjects, which gives rise to control over land, makes the State obliged to guarantee legal certainty regarding land rights by registering land and issuing certificates as proof of land ownership. Before the certificate is issued, there is proof of ownership or control of land called a Copy of Letter C/Letter C, Girik, Petuk D or Kekitir. This research aims to: 1) determine and analyze the mechanism for issuing Ownership Certificates by the Kendal Regency Land Office based on Village letter C. 2) know and analyze the legal certainty of the Certificate of Ownership Rights based on Village letter C at the Kendal Regency BPN. This research uses an empirical juridical approach, namely by examining secondary data first and then continuing by conducting research on primary data in the field. Holders of certificates of land rights according to the law in force in Indonesia will have stronger rights claims, but the problem will not be that simple, because there is definitely the potential for land disputes. The process of issuing a certificate of ownership as strong evidence of ownership of land issued by the Kendal Regency Land Office is in accordance with applicable law in Indonesia. The results of the research show that the mechanism for issuing property rights certificates by the Kendal Regency Land Office, including systematic land registration for the first time through the National Agrarian Operations Project (Prona) through stages based on the laws and regulations in force in Indonesia, however, there are many requirements for the validity of a registration application. which was manipulated and indicated that there was an unlawful act. The legal certainty of the Certificate of Ownership issued by the Kendal Regency Land Office can still be contested. Heirs who object to the issuance of the certificate can file a lawsuit with the local court. The court will decide based on evidence that convinces the judge whether there is an unlawful act in issuing the certificate or confirming the issuance of the certificate.*

Keywords: Certificate; Issuance; Land; Letter C; Office.

1. Introduction

Land in Indonesia is a very important valuable asset. In line with the predicate that has been attached to the Indonesian state, namely as a legal state, all activities must be based on legal provisions. Development is carried out as an effort to achieve a prosperous life in a just and prosperous society based on Pancasila. The presence of law is absolutely necessary so that development can run smoothly and avoid conflicts of interest, especially conflicts of interest regarding land matters.

Land is one of the objects regulated by agrarian law. Land regulated by agrarian law is not land in its various aspects, but land from its juridical aspect, namely that which is directly related to land rights which are part of the earth's surface. Article 4 paragraph (2) UUPA determines the rights to land that are given to rights holders, namely only to the extent of giving authority to use the land in question and everything on it for direct interests related to the use of the land within the regulated boundaries. by UUPA and other higher legal regulations.

Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles indicates that land is controlled at the highest level by the state as an organization of all the people. In the basic provisions of the Basic Agrarian Law, it can be seen that the welfare and prosperity of the people is the main priority goal in utilizing the functions of the earth, water and space as well as the natural resources contained therein. The mission for implementing the ideals of the Indonesian nation is stated in the UUPA, especially in the land sector.

In long-term development planning, the role of land in fulfilling various needs will increase, both as a place to live and for business activities. In connection with this, the need for support in the form of guarantees of legal certainty in the land sector will also increase. Providing guarantees of legal certainty in the land sector requires the availability of written, complete and clear instruments, which are implemented consistently. Apart from that, in dealing with concrete cases, it is necessary to organize land registration so that holders of land rights can easily prove their rights and for interested parties to obtain the necessary information regarding the land which is the object of the legal action to be carried out, as well as for the government to implement land policies.

In this regard, land registration is carried out in order to ensure legal certainty. UUPA has regulated the necessity to carry out land registration as a guarantee of certainty of rights and legal certainty over land throughout Indonesia, as mentioned in Article 19 UUPA. This article lists the general provisions of land registration in Indonesia, namely:

1. To ensure legal certainty, the government carries out land registration throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulations.
2. The registration in paragraph 1 of this article includes: Measuring, mapping and bookkeeping of land.
 - a. Registration of land rights and transfer of these rights.
 - b. Providing letters of proof of rights, which act as a strong means of proof.
3. Land registration is carried out taking into account the state and community conditions, socio-economic traffic needs and the possibility of implementation, according to the consideration of the Minister of Agrarian Affairs.
4. Government regulations regulate the fees related to registration as referred to in paragraph (2) above, with the provision that people who cannot afford them are exempted from paying these fees.

The provisions in Article 19 paragraph (1) of the UUPA are provisions aimed at the government to carry out land registration throughout the territory of the Republic of Indonesia, which is also the legal basis for carrying out land registration in order to obtain a certificate of proof of land rights which is valid as a means of proof. strong. As explained in article 23 paragraph (1) of the UUPA concerning property rights, this is the case with every transfer and removal of encumbrances with other rights must be registered according to the provisions referred to in Article 19 and Article 32 paragraph (1) of the UUPA, concerning " Cultivation Rights", including the conditions for granting it, that every transfer and deletion of said rights must be registered according to the provisions as intended in Article 19.

Following up on these provisions, Government Regulation Number 24 of 1997 concerning Land Registration has been issued, as an improvement on the previous Government Regulation, namely Government Regulation Number 10 of 1961. This improvement to Government Regulation Number 24 of 1997 is contained in article 1 which clearly provides technical guarantees and legal guarantee of his rights. So that the implementation of land registration includes technical tasks starting from measurements, location of land, boundaries of land parcels, physical conditions of land and the condition of buildings on the land and administrative tasks including examining the validity of evidence and most importantly maintaining records of registration data in a registered register. can be held accountable to anyone. Carrying out land registration in society is a State administrative task carried out by the Government for the benefit of the people in order to provide certainty of land rights in Indonesia.

Compared to Government Regulation Number 10 of 1961 which consists of 46 articles, Government Regulation Number 24 of 1997 which consists of 66 articles further enriches the provisions of Article 19 UUPA, namely:

- a. That with the issuance of a land title certificate, the owner is given legal certainty and legal protection.
- b. In this information age, the Land Office as the front office must be well maintained with all the information needed for a particular area of land, both for the government itself so that it can plan the development of the country and also for the community itself. Information is important to be able to decide what is needed where land is involved. namely physical and juridical data, including for apartment units, this information is open to the public, meaning that any information required can be provided regarding a plot of land or an existing building.
- c. So for this reason, it is necessary to make orderly land administration a normal thing.

Apart from written legal instruments, it is also necessary to carry out an activity called land registration which is a legal cadastre. The meaning of land registration which is a legal cadastre is a series of activities, which are carried out by the State or Government continuously and regularly, in the form of collecting certain information or data regarding certain lands in certain areas, processing, storing and presenting them to the public. interests of the people, in order to guarantee legal certainty in the land sector, including the issuance of evidence and its maintenance.

As explained above, the function of land is very important for people's lives. However, with increasing development and increasing population, problems and disputes in the land sector are increasing even though regulations are becoming more perfect. In addition, the current reality is that the land that someone already owns, but most of it has not been registered and does not have proof in the form of a certificate. Even though land registration is very important, the function of land registration is:

- a. Those who own land will easily be able to prove their rights to the land they control and own. Each of them was given a letter of proof of rights by the government.
- b. Those who need the information referred to above, namely prospective buyers and prospective creditors who will receive land as collateral, will easily obtain it, because the information stored at the land registration office is open to the public in the sense that they can find out for themselves by looking at the

lists and documents. concerned or request written information regarding the required data from the office.

Based on interview data conducted with Mrs. Siti Khoidah's family, it was stated that there was a mistake in assigning and issuing Letter C for the land that Mrs. Siti Khoidah experienced in 2022 in Donosari Village, Patebon District, Kendal Regency, Central Java, so that the certificate that was issued and issued was instead for the neighboring plot. and does not belong to Mrs. Siti Khoidah.

2. Research Methods

The approach method used is an empirical juridical approach. The empirical juridical approach method is a procedural method used to solve research problems by examining secondary data first and then continuing with conducting research on primary data in the field.

The juridical aspect in this research is viewed from written regulations as secondary data, while what is meant by an empirical approach is about the relationship and influence of law on society by conducting research or going directly into society or the field to collect objective data, this data is primary data. For this research, the emphasis is on empirical observation and analysis steps, which will be carried out at the research location.

3. Results and Discussion

3.1. Mechanism for Issuing Property Rights Certificates by Kendal Regency, Central Java Based on Village Letter C

According to the results of research in the field, the mechanism for issuing a Certificate of Ownership Rights in the name of Siti Khoidah issued by the Kendal Regency Land Office is in accordance with procedures and goes through the stages determined by Government Regulation No. 24 of 1997 concerning Land Registration and Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration. According to the Kendal Regency Land Office, after seeing the photocopy of the Certificate of Ownership, it concluded that the physical data and juridical data were in accordance with those contained in the land book and measurement certificate, so there was no problem with the issuance of this certificate, because it met the formal requirements for issuing a land title certificate. In a land registration application, any manipulation or incorrectness of the registration application requirements is at the applicant's own risk.

From the primary data obtained in the field and after careful observation and analysis, there are elements of unlawful acts committed by Siti Khoidah, namely manipulating the requirements for land registration applications as determined by the laws and regulations in force in Indonesia. The registration objects are land plots Letter C No. 43/I in the name of Siti Khoidah, part of Plot No. 62a P Class III, but also includes the plot of land belonging to Sugeng Pramono covering an area of 705m² which is part of Parcel 62a P Class III from Letter C Number 46/I in the name of Sugeng Pramono. That Siti Khoidah's land which is to the south of the road which is the object of land registration is only 510 m² minus the deduction for the Village road project in 1980, and is to the west of the plot of land in Persil 62a P Class III belonging to Sugeng Pramono. The results of the registration of land rights and the issuance of SHM in the name of Siti Khoidah are registered in the Measurement Letter with an area of 1160 m².

According to Mr. Hersa Krisna Muslim, the requirements for applying for land registration for the first time are with the land plot object being part of Parcel 62a P Class III covering an area of 1500m² and proof of ownership in the form of a copy of Letter C No. 43/I Margosari Village is formally valid, but materially it is invalid because the plot of land owned by the applicant is actually only 510m² if you look at the Wates District Court Decision Number 11/Pdt/G/1992/PN.Wt. and strengthened by the Supreme Court Decision Reg. No. 3289 K/Pdt/1993, because the registered area is 1,500m². Regarding the validity and invalidity of the terms of the application, it can only be proven in court considering that it was published in 1998 and so far there has been no objection from Sugeng Pramono.

Then, in making a Certificate of Physical Control of a land plot as one of the conditions for a land registration application, there is the possibility of being manipulated because it is contrary to reality, because the one who actually controls the land is Sugeng Pramono. According to information from when he was a child who lived near the location of the disputed land, from childhood until now he is 60 years old and has never worked on or used the land. His father once told him that the land should be his now and tomorrow so that Sulis, who is his son or Siti Khoidah's grandson, will work on it.

There was also an element of negligence on the part of the Prona Committee and the measurement and mapping Task Force. The measurement and mapping task force was not careful in setting boundaries and measuring when collecting physical data because it only followed the request of the applicant, which was possible in collaboration with individual members of the Prona Committee from village officials (former Hamlet Heads). When determining boundaries, installing boundaries and measuring, the measurement and mapping task force should comply with the provisions of Article 19 paragraph (1) letter b of Agrarian

Ministerial Decree/Head of BPN No. 3/1997, namely with the agreement of the rights holders over the bordering land parcels.

At the time of the measurement, Sugeng Pramono was not present because he was not invited or perhaps the invitation letter was not delivered, because the land had already been marked with a boundary marker as a potential distribution of inheritance for the future children of Sugeng Pramono's heirs and was installed when Sugeng Pramono was still alive, the witness who installed it The boundary signs are still alive today, namely Suwarno and Edi Untoro who were his neighbors.

According to Mr. Hersa Krisna Muslim, in determining and installing signs the boundaries of land plots must comply with the provisions of Article 17 of Government Regulation no. 24 of 1997 and Articles 19 to Article 22 of Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency No. 3 of 1997, namely that it must be attended and agreed upon by the holder of rights to the bordering land parcel or represented by another person who is given written power of attorney. If there is no presence and agreement between the rights holders of the bordering land parcels, there may be manipulation or forgery of signatures which could potentially lead to legal problems in the future.

The Adjudication Committee was not careful in examining and examining written evidence of ownership of land rights, if there were any suspicions, Letter C 43/I had once been the object of a dispute between Siti Khoidah and Parto Ikromo in a dispute at the Kendal Court. then the research needs to be supplemented with evidence with at least the statements of 2 (two) witnesses who can be trusted by local residents who are not related to the family in question up to the second degree of kinship, both vertical and horizontal, so that it can truly be concluded that Siti Khoidah is the owner of the land. or not. With a statement letter and the addition of 2 witnesses, this will add to the strength of the evidence for the Committee

- 1) in researching and collecting juridical data, so that the level of truth is deemed sufficient to register rights.
- 2) Legal Certainty of Ownership Certificate in the Name of Siti Khoidah Who Occupies Plot 62a P Class III in the Name of Sugeng Pramono

The results of direct research in the field which found facts in the issuance of a Certificate of Ownership Rights in the name of Siti Khoidah originating from Letter C No 43/I Persil 62a P Class III and in conference with the Legislation relating to land registration in force in Indonesia, will be presented as following:

The publication system used in Indonesia is a negative system that contains positive elements. Land registration according to PP 10/1961 junto PP 24/1997 will produce certificates of proof of title which act as strong evidence, as stated in Article 19 paragraph (2) letter c, Article 23 paragraph (2), Article 32 paragraph (2) and Article 36 paragraph (2) UUPA, is not a pure negative publication system. A pure negative publication system will not use a rights registration system. As we can see in the provisions governing the procedures for collecting and presenting the necessary physical and juridical data as well as maintaining them and issuing certificates of rights, even though the publication system is negative, the activities are carried out carefully, so that the data presented is as far as possible. can be confirmed as true.

The evidential nature of land certificates as proof of rights is stated in Article 19 paragraph (2) letter c UUPA, namely that the certificate applies as a strong means of proof, namely the physical data and juridical data contained in the certificate are considered true as long as they are not proven otherwise by other evidence. can be in the form of a certificate or other than a certificate. Based on the nature of this evidence, parties who feel disadvantaged by the issuance of the certificate can file a lawsuit in court to request that the issued certificate be invalid. If the court decision has permanent legal force stating that the certificate is invalid, then the Head of the National Land Agency of the Republic of Indonesia issues a decision letter regarding the cancellation of the certificate.

For land registration, proof of new rights is based on Article 23 of Government Regulation Number 24 of 1997 concerning Land Registration, namely: For rights registration purposes:

- a. New land rights are proven by:
 - 1) Determination of the granting of rights from the Official authorized to grant the relevant rights according to the applicable provisions if the granting of rights originates from State land or land with management rights
 - 2) Original PPAT deed containing the granting of these rights by the owner of the property rights to the recipient of the rights concerned if it concerns building use rights and use rights over freehold land
- b. Management rights are proven by the determination of the granting of management rights by the authorized official
- c. Waqf land is proven by a waqf pledge deed;
- d. Ownership rights to apartment units are proven by a deed of separation;

e. The granting of mortgage rights is proven by a deed of grant of mortgage rights.

3.2. Legal Certainty of Ownership Certificates by Kendal Regency, Central Java Based on Village Letter C

One of the purposes of land registration in Government Regulation Number 24 of 1997 concerning Land Registration is to provide legal certainty and legal protection to holders of rights to land parcels, apartment units and other registered rights so that they can easily prove themselves as holders of the relevant rights. . Apart from being given to the right holder, legal protection is also given to other interested parties who are harmed by the issuance of the land title letter. Legal protection is an action or effort to protect society from arbitrary actions by authorities that are not in accordance with the rule of law, to create order and tranquility so as to enable humans to enjoy their dignity as human beings.

According to Sucipto, legal protection is providing protection for human rights that are harmed by other people and this protection is given to the community so that they can enjoy all the rights granted by law which must be provided by law enforcement officials to provide a sense of security, both mentally and physically. from interference and various threats from any party.

4. Conclusion

The mechanism for issuing a Certificate of Ownership Rights in the name of Siti Khoidah which is based on Letter C is in accordance and goes through the stages determined by Government Regulation Number 24 of 1997 concerning Land Registration and Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Implementation Provisions Government Regulation Number 24 of 1997 concerning Land Registration, namely a. Physical Data Collection, b. Juridical Data Collection and Research, c. Physical Data Collection, d. Confirmation of Conversion and Issuance of Decree on Recognition of Land Rights, e. Bookkeeping of Rights, f. Issuance of a certificate for the application for registration of the land parcel. The legal certainty of the Certificate of Ownership of Siti Khoidah who occupies part of Plot 62a P Class III in the name of Sugeng Pramono can still be challenged and its validity proven in court. Sugeng Pramono can file a lawsuit against Siti Khoidah at the Kendal District Court to prove whether the issuance of the certificate is valid or not.

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