THE 5th INTERNATIONAL AND CALL PAPER
Legal Reconstruction in Indonesia Based on Human Rights

Imam As Syafei Building
Faculty of Law, Sultan Agung Islamic University
Jalan Raya Kaligawe, KM.4 Semarang, Indonesia

UNISSULA PRESS
The 5th PROCEEDING

“Legal Reconstruction in Indonesia Based on Human Right”

IMAM AS SYAFEI BUILDING
Faculty of Law, Sultan Agung Islamic University
Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

Diterbitkan oleh :
UNISSULA PRESS

ISBN. 978-623-7097-23-5
The 5th PROCEEDING
“Legal Reconstruction in Indonesia Based on Human Right”

Reviewer:
Prof. Dr. H. Gunarto, S.H., S.E., Akt., M.Hum
Dr. Hj. Anis Mashdurohatun, S.H., M.Hum
Prof. Henning Glaser
Prof. Dr. I Gusti Ayu Ketut Rachmi Handayani, MM
Prof. Shimada Yuzuru
Prof. Associate Dr. Dr. Ahmad Zaharudin Sani

Editor:
Dr. Amin Purnawan, S.H., CN., M.Hum
Dr. Hj. Widayati, S.H., M.H
Dr. Hj. Sri Endah Wahyuningsih, S.H., M.Hum
Dr. H. Ahmad Khisni, S.H., M.H
M. Abdul Hadi, SE

Hak Cipta © 2019, pada penulis
Hak Publikasi pada penerbit PDIH UNISSULA
Dilarang memperbanyak, memperbanyak sebagian atau seluruh isi dari buku ini dalam bentuk apapun, tanpa izin tertulis pada penerbit.

Hal I-X, 1-358
Cetakan Pertama Tahun 2019
Penerbit PDIH UNISSULA
Jl. Raya Kaligawe Km. 4 Semarang 50112
PO BOX 1054/SM,
Telp. (024) 6583584, Fax. (024) 6594366

ISBN. 978-623-7097-23-5
The 5th International Conference and Call for Paper Faculty of Law 2019
Sultan Agung Islamic University

COMMITTEE OF THE 3rd INTERNATIONAL CONFERENCE
AND CALL FOR PAPER

“Legal Reconstruction in Indonesia Based on Human Right”

Responsible Person  : Prof. Dr. H. Gunarto.,S.H.,SE.,Akt.,M.Hum (Dean)
Advisory            : Dr. Hj. Widayati.,S.H.,MH (Vice Dean I)
                     : Arpangi.,S.H.,M.H (Vice Dean II)
                     : Dr. H. Ahmad Khisni.,S.H.,M.H (Head of M.Kn)
                     : Dr.H. AnisMashdurohatun,SH.,M.Hum (Head of PDH)
                     : Dr. Hj. Sri Endah Wahyuningsih,S.H,M.Hum (Secretary of PDH)
                     : Dr. Hj. Sri Kusriyah.,S.H.,M.Hum (Secretary of MIH)
                     : Denny Suwondo.,S.H.,M (Secretary of MIH)
                     : Hj. AryaniWitasari.,S.H.,M.H

Chairwoman       : Dr. Hj. AnisMashdurohatun,SH.,M.Hum (Head of PDH)
Secretary        : Dr. Hj. Sri Endah Wahyuningsih,S.H,M.Hum (Secretary of PDH)
Treasurer         : Dr. Hj. Sri Kusriyah.,S.H.,M.Hum (Secretary of MIH)
Drafting Team    : Dr. H. Amin Purnawan.,SH.,CN.,M.HumH
                     : Denny Suwondo.,S.H.,M
                     : Hj. AryaniWitasari.,S.H.,M.H

Event Division   : Erna Sunarti.,S.S.,M.H
Secretariat and Supplies Division
Coordinator      : M. Abdul Hadi.,SE
Member           : Slamet Ariyanto
                     : Dyan Teguh Aryanto, Amd
                     : M. Ngaziz.,S.H.,M.H
                     : Hendro Widodo.,S.H.,M.H
                     : NailulMokorobin.,S.Psi
                     : AgusPrayoga

Publication and Documentation Division
Member           : Ikrom.,S.H
                     : Ahmad Mutohar.,S.H
                     : Achmad Arifullah.,S.H.,M.H

Consumption Division
Member           : Shinta Pratiwi
                     : Latifah Rosdiyati.,S.E
                     : Siti Pardiyah
                     : Laili Rohmah.,S.E
                     : Laila Najihah.,S.H

Receptionist     : Riftia Anggita W.S.,S.H
                        : M Auliana

General Assistant  : Riswanto
                       : Nur Alamsyah
                       : Rofiq

Security         : Rohmani
                        : Arif

Driver           : Irwanto
First of all, let’s say Thanks to Allah, who has been giving us guidance, happiness, healthy, and mercy, so we can finish this conference proceeding without any obstacles. Praise and salutation upon our prophet Muhammad saw the last messenger, the best figure of this universe; the person who was able to save us from Jahiliyah era.

We would like to extend our thanks to the invited speakers: Prof. Henning Glaser from Thammasat University, Prof. Shimada Yuzuru from Nagoya University, Hilaire Tegnan, Ph.D from Sorbone University, Prof. Topo Santoso From Indonesian University, and Dr. Sri Endah Wahyuningsih, S.H., M.H from Sultan Agung Islamic University.

This was our fourth International conference and call for paper held by Faculty of Law, Sultan Agung Islamic University. This annual conference tries to gain any information and studies done by academician and practitioner in the concerned field to be discussed as guidelines to exchange and talk about views on the most important recent on Legal Construction and Development focusing on The Role of Indigenous and Global Community in Constructing National Law happens in both developed and developing countries and its role in shaping a good future, and to discuss the challenges and practical aspects in integrating competition law enforcement and guidelines to develop legal state in accordance with the diversity of all countries around the world. We hope this conference brings benefit for both participants and our faculty.

We are pleased to have your critique, suggestion and correction in order to make us better. Finally, we do thanks to all who helped this conference. May Allah guide us to always develop useful knowledge for human being.
The 5th International Conference and Call for Paper Faculty of Law 2019
Sultan Agung Islamic University

PROCEEDINGS
The 5th International Conference and Call for Paper Faculty of Law 2019
Legal Reconstruction in Indonesia Based on Human Right

Table of Contents

FRONT PAGE......................................................................................................................... I

Information of The International Seminar ........................................................................... III

Committee Composition......................................................................................................... IV

PREFACE................................................................................................................................... V

Fulfillment Of Teacher Protection Rights
Yenny AS, Rini Setiawati ........................................................................................................ 1

Legal Reconstruction Of Laws Regarding Human Rights Through Judicial Re-
view To The Constitutional Court
Umar Ma’ruf............................................................................................................................ 13

Legal Analysis Of Social Security Transformation And The Reality Of Its
Implementation In The Community In Indonesia
Siti Ummu Adillah, I Gusti Ayu Ketut Rachmi Handayani, Adi Sulistiyono ......................... 30

Increasing Voluntary Compliance Of Tax Payments In Micro Small And Medium
Enterprises (Msmes) Post-Issuance Of Government Regulation Number 23 Of
2018 (Case Study In Semarang City)
Amin Purnawan, Akhmad Khisni, Aryani Witasari ............................................................... 41

Legal Analysis Of Racist Exams In Surabaya Papua Dormitory
Ma’aruf Akib............................................................................................................................ 50

Reconstruction Of Misdemeanor Settlement Based On Pancasila Value
S. Andi Sutrasno ....................................................................................................................... 57

Urgency Of Legal Assistance For Poor People As A Request Of Human Rights
Adhi Budi Susilo, Indra Yuliawan .......................................................................................... 63

Reconstruction Of Article 156 Paragraph (1) Of Law Number 13 Year 2003
Regarding Manpower As A Guideline For The Provision Of Workers’ Rights
Based On Justice
Rahmatsyah ............................................................................................................................ 67

Problematic Presidential Electoral Threshold In The Operation Of Value-Based
Simultaneous Justice
Widayati, Winanto ................................................................................................................ 73

Legal Reconstruction in Indonesia Based on Human Right
Reconstruction Of Learning Methods In Criminal Law Subjects Using Inquiry Methods based On Human Rights And Islamic Values  
*Ira Alia Maerani, Eko Soponyono, Nuridin* ................................................................. 82

Reconstruction Of Criminal Sanction And Rehabilitation Combating On Narcotic’s Victims Based On Religious Justice  
*Carto Nuryanto, Gunarto, Anis Mashdurohatun* .......................................................... 91

Study of the theory of Legal Protection Against Online High Yield Investment Program Contracts in Indonesia (HYIP)  
*muhamad Iqbal al Hakiem, aryani witasari* ................................................................. 96

Reconstruction Completion Of The Crime Of Light On Value Pancasila  
*Andi S. Sutrasno* ................................................................. 102

Law Reconstruction Of Registration On Fiduciary Obligation Based On Justice Value  
*Wieke Dewi Suryandari; Gunarto; Amin Purnawan* ..................................................... 108

Reconstruction Of Transport Regulatory On Marine Toll To Support Sea Connectivity Based On Pancasila Justice  
*Hartanto, Gunarto, Anis Mashdurohatun* ...................................................................... 114

Reconstruction Of Scientific Investigation In Indonesia Based On Justice  
*Teguh Prihmono; Gunarto, Sri Endah Wahyuningsih* ................................................... 120

Legal Construction On Training Ship Management Belongs To Human Resources Development Of Transportation (Bpsdmp) Based On Dignity Justice Value  
*Wahyu Wibisono, Gunarto, Anis Mashdurohatun* ....................................................... 126

Protection Of Law Refugees/Asylum Seekers In Indonesia (As A Transit State)  
No Ratify 1951 Convention Of And The 1967 Protocol  
*Muhammad Djamir* ........................................................................................................ 133

Reconstruction Of Legal Policy On Decency Crime In Indonesia Based On Pancasila Value (Lgbt Rehabilitation Institute For Children)  
*Cucuk Kristiono, Gunarto, Anis Mashdurohatun; Suparji* ........................................... 144

Legal Protection Against Indonesian Workers (Tki) In Abroad  
*Yaya Kareng, Ong Argo Victoria, Sri Yulianingsih* ......................................................... 149

Recontruction Of Auction Execution Of Mortgage Object In Determine The Auction Price Based On Justice  
*Moh Djarkasih** .................................................................................................................. 158
Reconstruction Policy Of Sanctions Against Destruction Of Evidence Illegal Fishing Based Small Fishing Welfare Values
R. Juli Moertiyono

Reconstruction Of Legal Policy Interfaith Marriage In Indonesia
Moh. Zeinudin, Dian Novita

Reform Of Couple Sexual Rights Protection In Case Of Diseases Hiv / Aids In Indonesia
Nana Ruhyana

Legal Protection Against Disability In Getting Work
Oktavianto Setyo Nugroho

Reconstruction Of Authority To Arrest In Doing Judge Accused Of Value-Based Justice
Agus Sugiaro

Enforcement Of Criminal Law In False News (Hoax) Management According To Law No. 11 In 2008 That Has Been Amended To Be Law No.19 Of 2016 Concerning Electronic Information And Transactions In Islamic Law And Positive Laws
Yanto Irianto

Reconstruction Validity Legal Deeds Are Dealing With Children In The Process Of Law Criminal Justice System Based Child Justice
Asep Hermawan

Reconstruction Of Performance Assessment Of Drinking Water Companies (Pdam) Based On Consumer Protection
Bustaman

Reconstruction Legal Rights Associated With A Warranty Not A Bank Debt
Euislistianti

Reconstruction Of Operational System As A Community Economic System Based On Welfare
Abbas Ibrahim Idris

Reconstruction Of Criminal Responsibility For Actors Prostitutional Criminal Justice In The Criminal Justice Based On Value
Iwan Rasiwan

Reconstruction Of Legal Drinking Water Management Company (Pdam) Based On Justice
Suharyadi
Reconstruction Of Private Criminal System Implementation In The Commitment Values In Indonesia Justice  
Sumanto ................................................................................................................................. 252

Reconstruction Of Justice Law Protection Law Protection  
Wamyani ................................................................................................................................. 260

Criminal Code Draft Law And Development In Indonesia  
Nany Pujianti Suwigjo ........................................................................................................... 265

Deconstruction of the Principle of Legal Thinking  
Sriyati......................................................................................................................................... 270

Development Of The Law Of Complete Systematic Land Registration (Ptsl) And Effect Of Conduct Values Of Land Based On Dignify Justice In The District Of Kendal, Central Java  
Desy Dwi Nurhayati Hartanti .................................................................................................. 279

Interpretation Teaching Of Human Rights Laws Against Material In Corruption Provisions  
Burham Pranawa, Hartiwiningsih, Hari Purwadi ................................................................. 293

Reconstruction Of Article 156 Paragraph (1) Of Law Number 13 Year 2003 Regarding Manpower As A Guideline For The Provision Of Workers’ Rights Based On Justice  
Rahmatsuah .......................................................................................................................... 301

Law Due To Delay The Registration Under Fiduciary Guarantee Pmk No 130 / Pmk.010 / 2012  
Jaenudin Umar ....................................................................................................................... 307

The Effectiveness Of The Handling Of The Criminal Acts Of Light Tend To Be Settled Judicial Custom  
Supena Diansah ....................................................................................................................... 313

Interpretation Human Rights Law Against The Teaching Material In Corruption Criminal Offenses  
Burham Pranawa, Hartiwiningsih, Hari Purwadi ................................................................. 319

Urgency Of Legal Assistance For Poor People As A Request Of Human Rights  
Adhi Budi Susilo, Indra Yuliawan ......................................................................................... 327

Independence Institute Of Justice And Judge In Perspective Judicial Reform Blueprint 2010 - 2035  
Ahmad Agus Bahauddin .................................................................................................... 331
Policies Against Crime Criminal Law Made By Children
Achmad Arifulloh .............................................................................................................. 341

Law Enforcement Of Law Number 23 Of 2004 In Preventing Efforts Human Rights Violations In Indonesia
Andri Winjaya Laksana, Lathifah Hanim ........................................................................... 350

Position Of Agreement On Land Acquisition For Development For Public Interest
Djoni Sumardi Gozali ........................................................................................................... 359

The Village Fund As Indonesian Social Welfare Program: The Gap Between Regulatory And Practice (A Study On Penal Perspective)
Ifrani* ........................................................................................................................................ 367

The Finality Of Arbitration: The Pros And Cons Of The Court’s Power To Setting Aside Arbitral Awards In Indonesia
Yati Nurhayati ........................................................................................................................ 376

Reconstruction Of Learning Methods In Criminal Law Subjects Using Inquiry Methods Based On Human Rights And Islamic Values
Ira Alia Maerani, Eko Soponyono, Nuridin ......................................................................... 382

Improvement of the Presidential System in Concurrent Elections
Endro Wibowo Aji .................................................................................................................... 391

Restorative Justice and Penal Mediation in Resolving Cases of Children Confronting the Law in Indonesia
Agustinus Dian Leo Putra .................................................................................................... 398

Criminological Aspects of Corruption Crime
Angga Kusumah ..................................................................................................................... 405

Policy Online Single Submission (OSS) System as a Public Service Innovation in the Field of Environmental Licensing
Haris Fadillah Harahap ........................................................................................................ 413

The Relevance of Civil Law and Common Law Systems in Regulating Standard Contract Law in Indonesia
Iman Fathurrahman ............................................................................................................... 421
Legal Politics In Erading Money Launching Criminal Actions In Indonesia
Abdul Haris ................................................................................................................. 427

The Legal Politics Of The State Defense Industry In Indonesia
Ade Christian Manapa ................................................................................................. 433

Political Directions For Land Law On Land Property Rights For The People
Aga Wigana .................................................................................................................. 438

Political Form Of Pre-Justice Law In Law Enforcement In Indonesia
Apromico ...................................................................................................................... 443

Inner Legal Political Strategy Prevention Of Radicalism In Indonesia
Beno ............................................................................................................................... 448

The Government's Efforts Through Legal Politics In Hajj Management
Dhanar Dhono Vernandhie ............................................................................................. 453

Political Law Of Regional Autonomy As The Management Of Local Government
Eka Damayanti ............................................................................................................ 458

Responsibility Of Corporate Crimes In Criminal Actions Of Narcotics
Himawan Aji Angga ........................................................................................................ 464

Juridical Review of The Existence of Notary Prohibitions on The Office of The Curator
Nurcahyo Pratomo Widodo .......................................................................................... 469

The Legal Strength of Covernote and Notary Responsibility for The Making of a Covernote as a Legal Product Not Regulated by Notary Laws
Arif Bahtiar Jefry ........................................................................................................ 474

Role of Notary / PPAT in Making Authentic Assets Towards False Document Description
Kanzu Khirzul Yaman .................................................................................................. 479

Legal Review of Personal Warranties Made Against The Notary of Lending
Nur Chamil .................................................................................................................. 484
Harmonization in Regulation of Heritage Certificate by Notary in Sociolegal Perspective  
*Desi Wulan Anggraini* .......................................................................................................................... 488

Legal Protection of The Wife's Property in Marriage by Making a Marriage Agreement Made in a Notary Provision  
*Nur Ismi Hanifah* ............................................................................................................................... 492

Legal Due To The Implementation Of Absolute Authorization In The Sale And Purchase Agreement Before The Development Of Sale And Purchases  
*Bayun Kismantoro* ............................................................................................................................... 496

Political Laws Notary Honor Assembly  
*Muhammad Wildan Mahindra* ............................................................................................................. 500

Role of Notary in The Making of Deal of Sale and Buy Agreements to Support National Development  
*Ika Yulia Ningrum* ............................................................................................................................... 506

Legal Due to The Implementation of Public Business Credits with Guarantee of The Rights of Liability Made in Notary  
*Riska Fauziana* ....................................................................................................................................... 511

Implementation of Credit Agreement Through Notary Notary And Its Legal Due When Performance Occurs  
*Iqbal Rino Akta Pratama* ....................................................................................................................... 515

Implementation of Court Determination on The Sell and Purchase Process Towards Officials of Land Associates who are Herities Under The Age  
*Zaenal Arifin* .......................................................................................................................................... 519

Authority of The Notary Regional Supervisory Assembly to Issue a Client's Document Return Order  
*Adi Candra Saputra* ................................................................................................................................. 524

Implementation of Management and Environment of Damaged Land  
*Agil Aladdin* ............................................................................................................................................ 528
Harmonization In Regulation Of Heritage Certificate By Notary In Sociolegal Perspective

Desi Wulan Anggraini

Student of Master of Notarial Law, Faculty of Law, Universitas Islam Sultan Agung (UNISSULA)
email dera997@gmail.com

Abstract

This article attempts to answer the following questions: 1. Why there is a difference in the arrangement of a certificate of inheritance by a Notary based on the Letter of the Directorate of Land Registration of the Directorate General of Agrarian Affairs, Ministry of Home Affairs Number: Dpt / 12/63/12/69, 2. What is the ideal concept for the arrangement of a certificate of inheritance by a Notary based on the Letter of the Directorate of Land Registration, Directorate General of Agrarian Affairs, Ministry of Home Affairs Number: Dpt / 12/63/12/69. The sociolegal approach method. Based on the research, it is concluded that the making of the Inheritance Certificate still occurs discrimination and weaknesses because the Minister of Agrarian Regulation cannot give authority only to the Notary for making the Certificate of Inheritance even though the Notary is more understanding about and the Notary does more research first before acting.

Key words: Inheritance Certificate, Notary, legal certainty

A. PRELIMINARY

Notary is a public official who is appointed for the first time on 27 August 1620 in Jakarta. In 1860, the Rules for the Position of Notary came into effect on 1 July 1860). Law No.2 of 2014 (UUJN) concerning amendments to Law no. 30 of 2004 concerning the Position of Notary. Every authority must have a law. So that if an official commits an action outside of authority, it is called an act against the law “. In this case, the Notary's relationship with issues regarding inheritance. The certificate of inheritance itself is a letter made by or in front of the competent authority, which explains the parties who are the heirs of a person who has passed away.

Making inheritance information in Indonesia is based on two regulations, namely the Letter of the Directorate of Land Registration of the Directorate General of Agrarian Affairs Number Dpt / 12/63/12/69 regarding the Certificate of Inheritance and Proof of Citizenship, as well as Regulation of the State Minister for Agrarian Affairs / Head of the National Land Agency Number 3 of 1997. The heir is a group of people or a person or relatives or family who are related to the deceased and have the right to inherit or receive the inheritance left by the heir. Before the law for Indonesians was written into the law, for them the law that currently applies to them will still apply, namely the indigenous customary law of the Indonesian people.

According to Cabinet Presidium Instruction Number 31 / U / IN / 12/1966

4 Proof of citizenship is no longer valid because it has been revoked as stated in the Elucidation of Law Number 12 of 2006 concerning Citizenship. State Gazette of the Republic of Indonesia Year 2006 Number 63, and Supplement to State Gazette of the Republic of Indonesia Number 4634.
6 Subekti, Pembinaan Hukum Nasional, Alumni, Bandung, 1975, p. 11.
dated December 27, 1966, which was addressed to Civil Registry Offices throughout Indonesia, it has been stipulated that the elimination of segregation of population groups in Indonesia (Europe, East Foreign and Bumiputera) has been determined. In practice, the provisions of evidence (letters of evidence) as heirs and the institutions that make them must be based on ethnicity are still maintained today.

Likewise, the differentiation of evidence making as heirs based on population groups as is currently valid in Indonesia is no longer tenable, meanwhile it is understood that the concept of equal treatment in law (equal protection of law) is an important tool in rule of law theory. 7

The land office, as the agency that manages land registration due to land transfer due to inheritance. The law provides legitimacy for the implementation of public policy, and as a statutory law it has presented its figure as a means of implementing policy. 8 LoGA is a basic regulation for achieving welfare where it can safely carry out the rights and obligations it has obtained in accordance with regulations that have guaranteed certainty of protection of these rights and obligations. 9 As stated in Article 2 of Government Regulation Number 24 of 1997 that land registration is carried out based on simple, safe, affordable, up-to-date and open principles.

The first thing to understand is socio-legal studies. The word 'socio' does not refer to sociology or social science. Academics have limited contact with sociologists. In principle, socio-legal studies are legal studies, which use a social science methodology approach in a broad sense. 10 The word 'socio' in socio-legal studies represents the relationship between the context in which law exists (an interface with a context within which law exists).

Based on this, the question can be asked why there are differences in the arrangement of a certificate of inheritance by a Notary based on the Letter of the Directorate of Land Registration, Directorate General of Agrarian Affairs, Ministry of Home Affairs Number: Dpt / 12/63/12/69, in a sociolegal perspective? What is the ideal concept for the arrangement of a certificate of inheritance by a Notary based on the Letter of the Directorate of Land Registration, Directorate General of Agrarian Affairs, Ministry of Home Affairs / Number: Dpt / 12/63/12/69, from a sociolegal perspective?

B. RESEARCH RESULTS AND DISCUSSION


For indigenous people Evidence as an heir is made under the hand, stamped by the heirs themselves with 2 (two) witnesses and is known or confirmed by the Lurah / Village Head and the local Camat according to the last residence of the heir. 10 The authority to make a certificate of inheritance for those Chinese groups who are subject to the inheritance law regulated in the Criminal Code is based on the concordance principle with Article 14 paragraphs 1 and 3 Wet op de Grootboeken der Nationale Schuld (S.1931-105) in the Netherlands which was later accepted as a doctrine. and jurisprudence in Indonesia and is considered customary law.

According to Tan Thong Kie so far

---

7 Munir Fuady, Teori Negara Hukum Modern (Rechtsstaat), Refika Aditama, Bandung, 2009, p. 205.
10 Gede Purwaka, Keterangan Hak Mewaris yang Dibuat Oleh Notaris Berdasarkan Ketentuan Kitab Undang Undang Hukum Perdata (Burgerlijke Wetboek), Program Spesialis Notariat dan Pertanahan Fakultas Hukum Universitas Indonesia, Jakarta, 1999, p. 3.
"The making of an inheritance statement by a notary in Indonesia has no basis in the law in Indonesia". Likewise the opinion of Ting Swan Tiong and Oe Siang Djie, as a result, in practice there are various forms of KHW. The notary must be more careful in examining the documents and taking care to receive the files submitted for making a certificate of inheritance and see whether they are in accordance with the correct steps and the authenticity of the supporting documents.

The duties of the Balai Harta Peninggalan represent and manage the interests of people who are subject to the law or the judges' decisions cannot carry out their own interests based on the applicable laws and regulations. In accordance with article 4 (1) of the Warde Government Land Mates Instruction, Stb 1916 No.517 of the Heritage Hall Instruction mentioned above, that a Certificate of Inheritance from the Heritage Hall is required for groups of residents of the Foreign East for the process of transferring the names of the heirs.

The legal basis used by Balai Harta Peninggalan in addition to the provisions of Stb 1916 in relation to the land registration process is a letter from the Supreme Court of the Republic of Indonesia dated 8 May 1991 number MA / Kumdil / 171 / V / K / 1991 which is addressed to the Heads of the High Court, the Chair of the High Religious Court, Chairman of District Courts and Head of Religious Courts throughout Indonesia in connection with the letter of the Supreme Court of the Republic of Indonesia dated March 25, 1991 Number KMA / 041 / III / 1991, have appointed Circular Letter dated December 20, 1969 Number Dpt / 2/63/12/69 issued by the Directorate Agraria Directorate of Land Registration (Kadaster) in Jakarta.

The ideal concept for regulating a certificate of inheritance by a Notary is based on the Letter of the Directorate of Land Registration, Directorate General of Agrarian Affairs, Ministry of Home Affairs / Number: Dpt / 12/63/12/69.

Referring to the Transitional Regulations in the 1945 Constitution, this dualism and pluralism has continued until now, even until the enactment of statutory provisions concerning Law No.12 / 2006 and Law No26 / 2006 which have explicitly eliminated differences in population groups. In the provisions of Article 1866 and Article 1867 of the Criminal Code, written evidence shall be carried out in writing, both authentic and under hand. Actually, heir evidence which is civil evidence is not appropriate if it is issued by an official who is subject to Administrative Law.

Authority of Making Inheritance Certificate by the Village Head / District Head. The authority of the Village Head / Lurah and Camat according to Law Number 32 Year 2004 concerning Regional Government (Regional Government Law) is strictly regulated in Article 126 (Camat) and Article 127 (Lurah). The Regulation of the State Minister for Agrarian Affairs actually cannot authorize the notary as the basis for making Inheritance Rights Statements that are generally applicable to all inherited assets. The main notary's authority is to make an authentic deed as stated in Article 15 paragraph 1 UUJN. Apart from these powers, the notary according to Article 15 paragraph (3) UUJN "Apart from the authority as referred to in paragraph (1) and paragraph (2), the Notary has other powers which are regulated in statutory regulations".

C. CLOSING

Differences in the arrangement of a certificate of inheritance by a notary based on the letter from the Directorate of Land Registration.

---

12 Ting Swan Tiong, Pembuktian Hak atas Harta Peninggalan, Media Notarial, No.6-7, April 1988, p.11
Registration of the Directorate General of Agrarian Affairs of the Ministry of Home Affairs / Number: Dpt / 12/63/12/69, from a sociolegal perspective for the indigenous group, an inheritance certificate is in the form of a certificate made in the village with the knowledge of the sub-district and sub-district head while for groups of Chinese descent, the authentic deed is made in a notary and then legalized at the District Court and foreign eastern groups are made and registered at the Heritage Hall. The ideal concept for the arrangement of an inheritance certificate by a Notary is based on the Letter of the Directorate of Land Registration, Directorate General of Agrarian Affairs, Ministry of Home Affairs / Number: Dpt / 12/63/12/69, in a sociolegal perspective, it is the harmonization of the making of the Inheritance Certificate for all population groups and efforts towards unification so that there are no differences in population groups in Indonesia in the land registration process so that at least this Inheritance Certificate has the same function and purpose of making it.

The classification of the population in the making of the Inheritance Certificate based on the Circular Letter of DITJEN AGRARIA DEPDAGRI NUMBER: Dpt / 12/63/12/69 is still considered discriminatory. So it is better if the manufacture is justified by an official considering that our country is a National Unitary State based on Law Number 12 of 2006 concerning Citizenship. For the ideal concept, a notary is more appropriately appointed as an official who makes a certificate of inheritance for all groups of people, both natives, maupaun descent because the Notary has knowledge of the field of Notary.

Bibliography


Instruksi Presedium Kabinet Nomor 31/U/IN/12/1966 tanggal 27 Desember 1966. KUHPerdata
