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DESCRIPTIVE OF QUANTITATIVE DATA | SUPPLEMENTARY

The Nature of The Application of Legal Justice to The Systematics of Land Registration According to Government Regulation Number 24 of 1997

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Abstract: This research aims to explore the principles of legal justice that should be applied in the process of land registration in Indonesia by analyzing whether Law No. 24 of 1997 can successfully create a fair system for all parties. a qualitative approach with normative analysis, this research outlines the various aspects of justice that should be reflected in the law. Research Result, creating a fair and equitable land registration system, there are still various technical, administrative, and social obstacles that hinder the realization of optimal application of the principles of justice. Conclusion in terms of land registration policies and practices to ensure legal justice can be realized more effectively and equitably for all Indonesian people.

Keywords: Nature, Application, Justice.

1. INTRODUCTION

The enactment of Law No. 5/1960 on Basic Agrarian Principles (UUPA) aims to provide all Indonesians with legal certainty regarding land rights. This objective is pursued through two main efforts: first, by providing clear, comprehensive, and accessible legal instruments; and second, by conducting land registration. The latter enables the government to implement land policies effectively and allows land rights holders to prove ownership. According to Boedi Harsono (1997), these measures are foundational to achieving legal certainty in land ownership. The UUPA and Government Regulation No. 10/1961 outline two main responsibilities concerning land registration. The government is tasked with conducting land registration throughout Indonesia, which includes the measurement, mapping, and bookkeeping of land; the registration of land rights and transfers; the issuance of title deeds that serve as strong evidentiary instruments; and the fulfillment of other obligations related to land registration. Additionally, land rights holders are obligated to report their rights to land, ensuring a comprehensive record-keeping system as emphasized by Alimuddin (2021).

Land registration is a continuous government effort to collect, record, and process information about land ownership. The UUPA is designed to manage land rights (HAT) in a way that maximizes public benefit, with a key element being the certainty of these rights.

Article 1, point 1 of the Land Registration Regulation defines land registration as a series of government actions aimed at protecting specific rights, including the issuance of proof of rights for land parcels and apartment units (Apriani, 2017). The principles of simplicity, security, affordability, and up-to-date data are central to the land registration process. These principles ensure that the system is easily understandable, legally secure, accessible to all, particularly economically weaker sections, and that it maintains current and accurate data.



According to Article 2 of the Land Registration Regulation, land registration must be simple, secure, affordable, and up-to-date. Simplicity ensures that procedures are straightforward and comprehensible; security means that the registration process is thorough and meticulous, providing legal certainty; affordability ensures that services are accessible to those in need, particularly economically disadvantaged groups; and being up-to-date means that the equipment and data management processes are current, allowing for accurate record-keeping.

Article 3 of the Land Registration Regulation states that the purpose of land registration is to provide legal certainty and protection to holders of land rights, housing units, and other registered rights. This is achieved by issuing certificates that serve as proof of ownership, thus providing legal certainty regarding the status, subject, and object of registered land. Additionally, land registration provides essential information to interested parties, including the government, facilitating informed decision-making regarding land use and regulations. The ultimate goal, as reiterated in Article 19 of the UUPA and Government Regulation No. 24 of 1997, is to ensure legal security in the land sector (Muljono, 2016).

The certificate of land rights serves as a strong proof of ownership, although the government does not guarantee the contents of the land deed used as the basis for registration. Changes in rights must be recorded, ensuring transparency and accuracy. The Head of the Land Office, assisted by the Land Deed Official (PPAT) and other designated officials, is responsible for land registration under the National Land Agency (BPN). As stated in Article 9 paragraph (1) of the Land Registration Regulation, the objects of land registration include land parcels with ownership, business, building, and use rights; management rights; waqf; flat ownership; dependents; and state land.

Problem Statement: The land registration system in Indonesia faces several challenges. What is the current land registration system in Indonesia, and what are the obstacles that hinder its effective implementation?

2. RESEARCH DESIGN AND METHOD

The research focuses on the system of land registration and the current issues associated with it. Various scholars have analyzed these problems descriptively and systematically. The study reveals that a systematic land registration process is particularly beneficial for people belonging to the middle to lower economic groups. For this research, secondary data was utilized, comprising the works of legal experts. The materials include information that provides guidance and insight into the legal frameworks and practicalities of land registration. This approach allows for a comprehensive understanding of the existing challenges and potential improvements in the land registration system.

3. RESULT AND DISCUSSION

3.1 Principles and System of Land Registration

According to Soedikno Mertokusumo, land registration in Indonesia operates under two primary principles. The first is the principle of specialization, which mandates that land registration must adhere to specific laws and regulations, particularly those concerning measurement, mapping, and the recording of transfers. The second principle is operability or publicity, which ensures that everyone has the right to access legal information about the ownership, transfer, and encumbrance of land rights at the Land Office, including the opportunity to raise objections before the issuance of documents. Boedi Harsono identifies two types of land registration systems: the deed registration system and the title registration system. In the deed registration system, any addition or alteration of rights must be substantiated by a deed. However, it is not the deed itself that is recorded but the rights it creates or modifies, with the data being derived from the deed. The title registration system involves the use of



a Land Book, which compiles and displays both physical and legal information. This system also includes issuing certificates as proof that a land right has been registered. To ensure legal security, it is crucial to have precise knowledge of the land's boundaries, the rightful owner, and whether a certificate has been issued. The registration process covers various aspects, including land parcels and apartment units. The government provides certificates of land ownership (SHM) as part of this process.

The first stage of SHM registration, as outlined in Government Regulation No. 24 of 1997, involves the registration of previously unregistered land parcels, including issuing land certificates. There are two primary methods of land registration: systematic registration and sporadic registration. Systematic land registration encompasses all unregistered land within a specific area or part of a village or kelurahan and is carried out according to a government work plan. Sporadic registration, on the other hand, is initiated by individual landowners or collectively for one or more registration objects in a specific area. Systematic land registration is generally preferred as it expedites the collection of data necessary for registration. However, it requires adequate funding, personnel, and equipment, and should be implemented based on an annual plan and due diligence. As the demand for individual and mass registration grows, sporadic land registration is also becoming more popular.

The land registration process involves tasks such as registering land rights, recording transfers of rights, issuing certificates, and maintaining public records. The administrative tasks are largely focused on juridical aspects, such as the issuance of land books, certificates, and public registers, and the recording of subsequent changes. Land title certificates are issued by State Administrative Officials (TUN), including the Head of the District/City Land Office, the Adjudication Committee, and other designated officials. These officials' legal products are subject to State Administrative Law, which states that errors may occur during the registration process. The tasks of land registration include collecting and processing physical data, proving and recording rights, issuing certificates, disseminating physical and juridical data, and maintaining public documents. Certification, as defined in Article 32 paragraph (1) of Government Regulation No. 24/1997, serves as evidence of the physical and legal data recorded in the land title book.

3.2 Obstacles in the Implementation of Land Registration

One of the challenges in the land registration system is the negative publication system, which contains positive elements that allow others to challenge the rights of individuals who already hold certificates. This system does not provide absolute certainty of land rights, leading to hesitancy among people to register their land rights. In a negative system, even if a person is registered as the subject of a right in the land book, this right can still be contested if substantial evidence is provided. The government faces challenges in ensuring that the general list in the title registry is genuine. Other obstacles include the government's taxation policies related to land registration activities, a poor understanding of the function and utility of certificates, the perception that land registration is costly, and concerns about the lengthy process of obtaining certificates. These factors contribute to a reluctance among people to register their land rights.

4. CONCLUSIONS

The study concludes that land registration is crucial for providing legal certainty about land ownership. The most compelling evidence of ownership is the land certificate. Legal certainty protects against arbitrary actions, ensuring that individuals can secure their rights. While land registration benefits the government by providing essential data about land parcels, it also helps determine the appropriate taxes and manage land administration.



Several reasons contribute to the lack of public interest in land registration, including a lack of awareness about its importance, concerns about the difficulties involved in the registration process, particularly regarding the land they own, and worries about the costs associated with registration. This situation underscores the need for greater public education and streamlined processes to encourage broader participation in land registration.

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