
**GOVERNMENT REGULATION NUMBER 24 OF 1997 CONCERNING
LAND REGISTRATION IN IMPLEMENTATION AND PROBLEMS AT
REGENCY/CITY NATIONAL LAND AGENCY OFFICES**

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Abstract

Problems are complex and multi-functional and involve cross-sectoral aspects of life in society. Therefore, handling land problems cannot be seen from just one side, it must be comprehensive and integrated so that solutions can be resolved. In terms of community land registration, especially in Subang Regency, each agency related to land. This program is primarily concerned with issuing land certificates so that they can be fully functional and mobilized to take part in handling land issues in accordance with the scope of individual work. Coordination is carried out by the National Land Agency. This agency must have cooperation and a collaborative network with all related agencies and the need to handle strategic land issues, including land registration. This research uses normative juridical methods, with secondary data methods which are then analyzed using qualitative analysis techniques. The results show that the determination of land registration, especially in Subang Regency, if seen from Law Number 5 of 1960, is basically as intended in Article 46 to Article 72 of the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Implementing Regulations of Government Regulation Number 24 of 1997 concerning Land Registration. The sanctions given to land officials deviate from the legal provisions in registering land being handed over to the public. Even if there is evidence of a violation of fund allocation, it may be criminalized as an act of corruption.

Keywords: Land, Certainty, Law

INTRODUCTION

Land problems often occur due to the irresponsible and irresponsible implementation of existing executive officials in providing public services to the community. There are many internal problems within the land apparatus that expedite land affairs, ask for services, carry out illegal levies and abuse of authority and position, this is in the interests of the wider community and is no longer a secret. Things like this are certainly very detrimental to the community, both in terms of wasted funds and the length of time it takes to process the land documents, not to mention the unsympathetic treatment of the land officials, if the land registration registration is not followed by a "Gift" to the officials. worry.

In other conditions, role problems, especially regarding land registration, sometimes also arise from the community itself, such as the existence of conditions that cause it, which does not rule out the possibility of control of rural land by urban communities, resulting in the absence of optimizing the land optimally, even tending to be abandoned land, as well as in managing land documents. In many cases, rural land ownership by urban communities is simply a commodity to multiply profits, while still paying attention to land prices which will always rise in the future. Another problem that arises from the community itself regarding the issue of land certificates is that not all land certificates issued by villages such as girik have been converted into land certificates which have certainty regarding their ownership rights and even now new girik often appear again which further complicates the problem of land ownership issues in public.

Land problems are complex and multi-functional and cross-sectoral in nature and involve various aspects of people's lives, therefore the handling of land problems cannot be seen from just one side, but must be comprehensive and integrated so that the resolution can be carried out completely. Likewise, in terms of community land registration, especially in Subang Regency, each agency related to the land program, especially related to the issuance of land certificates, must be mobilized functionally and comprehensively to participate in handling land problems in accordance with the scope of individual work. Coordination carried out by the National Land Agency must have cooperation and a collaborative network with all related agencies and the need to handle strategic land issues, including in terms of land registration.

Considering how important land is for the state and especially for society, in various cases the land problems that arise are often motivated by a sense of justice. Currently, structural inequality in land ownership is still believed to be largely controlled by urban communities as an injustice. Conditions of injustice are also felt by many lower levels of society, such as development interests, a lot of land that belongs to citizens, the amount of which is insufficient to be released for eviction or transfer of land ownership for the purpose of building roads, for example, justice issues that arise in the implementation of land and eviction of land for the sake of development, especially in determining appropriate compensation, where the determination of land prices in the community is only decided unilaterally without involving the land owner community in deliberations on determining land prices, they will be encouraged or forced to sell for important constructive reasons.

Apart from that, the land problem that arises in society is the existence of quasi land mutations based on commitment sale and purchase agreements with notarial deeds where the actual ownership of the land has been transferred to another person, but it is as if there has been no formal mutation of land rights. In fact, it is not uncommon for elements of the land apparatus to commercialize their positions and abuse their authority and position.

This condition is exacerbated by the lack of knowledge regarding the land law regulations of implementing officials, as well as the lack of idealism in land officials so that land-related policies are felt to have lost the opportunity to be implemented effectively and efficiently. It is felt that the implementation of policies in the land sector is starting to

experience a positive decline in intensity and can no longer be seen as part of the struggle to build community welfare which can provide guarantees of legal certainty, as envisioned, but is seen more as a routine activity, confusion regarding land-related policies which in the end creates legal uncertainty in the community.

In a country that is still developing and the conditions of the people are not so good, they can afford it from an economic perspective with all the limited funds, but in terms of ownership and legal certainty over land belonging to citizens must still be prioritized, this is one of the reasons why the land registration and land certificate programs are implemented. publishing, for the lower classes, especially those in rural areas in Subang Regency.

In terms of handling land issues, including creating legal certainty over community land ownership in the form of ownership of land certificates, there are two interests that must be harmonized, namely the interests of individuals who are often involved, the interests of other parties (the community) must be taken into account.

Based on the background explanation above, a formulation regarding this problem can be drawn as follows: What is the review of the implementation of the land registration program from Law Number 5 of 1960 jo. matter. Number 24 of 1997? and legal consequences in implementing the land registration program?

RESEARCH METHODS

The approach method in this research is an empirical normative juridical approach, with analytical descriptive research specifications. Primary data sources were obtained through field observations, especially through interviews with several sources, while secondary data were mainly obtained from archives and other library sources, while data collection and analysis techniques used a qualitative approach.

DISCUSSION

Overview Of The Implementation Of Land Registration Considering Law Number 5 Of 1960 jo. Law Number 24 Of 1997

In principle, the stages of land registration are the same as the stages of implementing systematic land registration. Systematic procedures/stages for registration are regulated in Articles 46 to 72 of the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Government Administration Regulations Regulation Number 24 of 1997 concerning Land Registration, which also applies to the stages of land registration. In general, the stages of land registration are as follows:

1. Establishment of a Land Registration Committee and Task Force (Satgas) Formation of a land registration committee and task force, in the implementation of land registration using the provisions in the implementation of land registration systematically so that the same term is used, namely the adjudication committee which is described as follows:
 - a. The adjudication committee in land registration is carried out systematically within the framework of a government program and a task force to assist with this is determined by the Minister for each village that has been designated as a systematic land registration location village.
 - b. The adjudication committee in land registration is carried out systematically with community self-help and a task force which is helped to be formed by the Head of the regional office.
2. Find a location
Location determination is as follows:
 - a. The Minister determines the place of land registration systematically on the recommendation of the Head of the Regional Office.
 - b. The systematic unit where land is registered is all or part of a regional village.

- c. The proposal for systematic registration of land registration places as intended in paragraph (1) is based on the work plan of the Land Office by prioritizing village areas that:
 - 1) Several regions have been listed systematically
 - 2) The number of registered land plots is relatively small, ranging up to 30% (thirty percent) of the estimated number of land plots.
 - 3) This is an office development area with a high level of development
 - 4) It is a productive agricultural area
 - 5) Available national engineering points.
 - d. Land registration is funded systematically by the central government or regional budget or independently by the community with the approval of the Minister.
3. Physical data collection
- Physical data collection is as follows:
- a. Before measuring a plot of land, the land boundaries must be determined and boundary signs installed in accordance with Articles 19, 20, 21, 22 and 23 UUPA.
 - b. If land parcel measurements are carried out by National Land Agency staff, boundary determination is carried out by a measurement and mapping task force on behalf of the chairman of the adjudication committee.
 - c. If the measurement of land parcels is carried out by a third party, then the determination of the boundaries of the land parcels is carried out by the juridical body of the data collection task force on behalf of the adjudication committee.
 - d. Determination of land parcel boundaries is carried out after they have been made in accordance with the schedule submitted to the public as intended in Article 56 paragraph (4) UUPA.
4. Counseling
- Counseling, are as follows:
- a. Before the start of land registration, outreach will be carried out in the area or part of the village concerned regarding the systematic recording of land by the land office assisted by an adjudication committee that coordinates with the relevant agencies, namely:
 - 1) Regency/City Government
 - 2) Land and Building Tax Office
 - 3) District Office
 - b. The outreach as intended in paragraph (1) aims to inform the right holders or their proxies or other interested parties that in the village there will be a systematic land registration and the objectives and benefits that will be obtained from land registration.
5. Collection and validation of physical data
- Collection and validation of physical data is as follows:
- a. Recapitulation of juridical data as outlined in the research report on juridical data and boundary determination as intended in Article 62 regarding land plots that have been mapped in the map of plots as intended in Article 58 in conjunction with Article 31 is included in the data list and physical juridical data on land plots (table of contents 201C), namely the table of contents as intended in Article 25 paragraph (2) Government Regulation Number 24 of 1997.
 - b. Providing the opportunity for the person concerned to submit physical objections to the data and juridical data collected by the Adjudication Committee, the list of juridical and physical data on land plots (table of contents 201C) as intended in paragraph (1) and the plot map announced using 30 (thirty) register on the day at the office of the Adjudication Committee and Village Head.

6. Collection and research of juridical data. Collecting and researching juridical data is carried out for the purposes of researching juridical data in the field of land parcels by collecting evidence of ownership or control of the land, either written evidence or unwritten evidence in the form of witness statements and/or relevant information shown by land rights holders or his attorney or other interested parties in the adjudication committee.
7. Bookkeeping rights.
Bookkeeping of rights is as follows: Based on evidence as intended in Article 23 of Government Regulation Number 24 of 1997 which confirms the conversion and recognition of rights as intended in Article 65 and the provisions for granting rights as intended in Article 66 Land rights, management rights and the land in question recorded in the land book.
8. Confirm conversion
Confirmation of conversion is based on the minutes of legalization of physical data and juridical data as intended in Article 64 paragraph (1) carried out activities, namely land rights which have complete written evidence as intended in Article 60 paragraph (2) and the written evidence is incomplete
9. Submission of activity results
Submission of activity results is as follows:
 - a. After the end of the systematic registration of land registration, the Head of the Adjudication Committee Service submits the results of its activities to the head of the land office in the form of all documents regarding the land plots on which the systematic land registration is based which includes:
 - 1) Registration map
 - 2) Land register
 - 3) Letter
 - 4) Land book
 - 5) Land register
 - 6) Land title certificate that has not been handed over to the rights holder
 - 7) List of land rights
 - 8) Warkahs
 - 9) List other fields
 - b. Submission of the results of activities as intended in paragraph (1) is carried out with a handover report. Issuance of certificates
10. Issuance of certificates is as follows:
 - a. For land rights, management rights and waqf land that have been listed in the land book and meet the requirements for proof provided in accordance with the provisions of Article 31 of Government Regulation Number 24 of 1997, a certificate must be issued.
 - b. The juridical data included in the certificate must contain the limitations as intended in Article 68 paragraph (2)
 - c. The evidence as intended in Article 60 paragraph (2) is that the basis of the bookkeeping is crossed out with ink so that it does not result in illegible writing or a stamp or stamp stating that the document has been used for the purpose of recording rights, before being kept as a warkah.
11. Report
After going through the stages determined by Minister of Agrarian Regulation Number 3 of 1997, the next stage is preparing the report.

Legal Consequences If There Are Obstacles In Land Registration

In an effort to improve certificate issuance services through the land registration program, especially in Subang Regency, there needs to be a review of the various implementations of national agrarian reform with the land certification program, especially through land registration in Subang Regency, where various efforts have been made so that implementation can run smoothly. smoothly, but there are still several obstacles, including:

1. Obstacles from the community/land registration participants include:
 - a) The land area does not match the area stated in the evidence ownership of Letter C. Efforts that the government can make in this case are by making a broad statement.
 - b) The land owner does not know the origin or history of the land because it was obtained through private buying and selling. Efforts that can be made by the government in this case are by collaborating with village elders.
 - c) Cannot be present when measuring the land plot. Efforts that can be made by the government in this case are to carry out measurements as quickly as possible.
 - d) The land is not installed with poles, so the land boundaries are not clear. Efforts that can be made by the government in this case are by placing bets also witnessed by neighboring borders.
2. Constraints experienced by the Land Office
 - a) There are still many Master Tax Letters (SPPT - PBB) that have not been split.
 - b) The applicant's proof of acquisition is incomplete, there is not even a receipt or other proof of land ownership.
 - c) Not quickly resolving missing files, for example inheritance deeds, sales letters from sellers.
3. Even though it was scheduled, at that time the land inspection was carried out by the applicant's officer who was not present, then appeared the next day.

The above obstacles are overcome by tolerating the requirements collection deadline which is extended beyond the specified time limit. This does not result in the withdrawal of the implementation of land certificates through land registration in Subang Regency

Since Indonesia's independence, the aim of overhauling colonial agrarian law has existed, by creating a national agrarian law based on Article 33 paragraph (3) of the 1945 Constitution. However, because the effort to create a unifying law that applies to all of Indonesia is not an easy task, it was only on September 24 1960 that this dream could be realized.

Colonial legal reform by creating national law in the land sector cannot be separated from the meaning of land reform in Indonesia, so that the Basic Agrarian Law itself is called the mother of Indonesian land reform, which is the goal of the Indonesian national revolution among others.

- a) Increase national production and encourage intensive agriculture through mutual cooperation and cooperatives
- b) Distributing the livelihood of the peasants fairly in the form of land in an orderly manner to obtain fair results as well.
- c) End the landlord system and eliminate unlimited land ownership and fraud by setting maximum and minimum limits for each family.
- d) So that the land truly belongs to the farmer, avoiding speculation and extortion.
- e) Strengthen and expand land control for every Indonesian citizen, both men and women who function socially. Recognition and protection of personal privileges, property rights as the strongest rights are personal and hereditary rights but function socially.
- f) Eliminate the liberalism system and provide protection for weak economic class groups

In order to improve services in the land sector in order to provide certainty of rights, the Government has made a policy of accelerating mass land certification activities in land

registration. This policy is intended to empower the weaker classes of society to have land title certificates at a lower cost, in order to provide legal certainty for land rights holders. Land registration is one of the activities organized by the government in the land sector with subsidies in the field of land registration, especially in the form of mass certificates in order to help the economically weak classes.

The implementation of this land registration is the government's effort to provide stimulation and participation to land rights holders so that they can implement their land certificates and try to help resolve strategic land disputes by providing the community with facilitation and convenience as well as empowering organizations and human resources. Land registration is one of the efforts to achieve Catur Land Order which includes:

- a) With a land certificate, it is hoped that land disputes can be avoided.
- b) Land administration regulations.

Orderly land administration aims to improve the quality of land office services to the community quickly, easily and at low cost, so that it is hoped that it can bring benefits to the community, especially the economically weak classes.

- c) Orderly maintenance of land and the environment.

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

- d) Land legal order. The land legal order aims to ensure that every land has a certificate, so that the land has legal certainty and strong rights. This is proof that land law has been implemented properly.

- e) Orderly use of land.

The land use order is intended to develop understanding of the importance of planned land use to obtain optimal, balanced and sustainable benefits, in accordance with the regulations in the Spatial Planning Law as regulated in Law no. 24 of 1992, because there is still a lot of land that has not been cultivated or utilized according to its intended purpose, and conversely there is a lot of land use that is not in accordance with spatial planning.

Land registration is a national policy regarding land which aims to provide legal certainty for holders of land rights in order to improve or support the implementation of land reform and resolve disputes comprehensively at low costs. Apart from empowering organizations and human resources.

In this regard, the factor of population growth and its uneven distribution often leads to population concentration or urbanization that exceeds the carrying capacity of an area and encourages land use without paying attention to soil conditions and environmental resilience.

The legal basis for land registration is:

- a) Law Number 5 of 1960 concerning Basic Agrarian Provisions;
- b) Decree of the Minister of Home Affairs Number 189 of 1981 concerning National Agrarian Operational Projects, effective from 15 August 1981;
- c) Government Regulation Number 24 of 1997 concerning Land Registration
Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Government Administration
- d) Regulation Number 24 of 1997 concerning Land Registration.

In carrying out land registration, the objectives of land registration are as follows:

- a) Get to know the community about land rights so that they have authentic evidence regarding this matter.
- b) Foster a sense of togetherness in resolving land disputes.
- c) Provide legal certainty to land rights holders
- d) Increasing public awareness of the law in the land sector

- e) Assist the government in creating peaceful community life and a peaceful atmosphere
- f) Growing community participation, especially land owners, in creativity
- g) Providing stimulus to the community, especially land rights holders, to be willing to make certificates of their rights.
- h) Political stability and economic development

With definite efforts from the Government and support from the wider community to make land registration a success, especially in Subang Regency and generally throughout Indonesia, land registration will really help the community to have proof of land ownership. The process of obtaining a certificate is hassle-free and low cost. Land registration fees stipulated in Decree of the Minister of Home Affairs Number 594 of 1982 dated 26 November are as follows:

- a. For low-income groups, operational costs are borne by the community members who will receive the certificate
- b. For economically weak groups, operational costs are subsidized by the Central Government Budget through the APBN and through the Regional Government through the APBD.

Basically, land registration is a land certification activity for certain communities and also receives funding support or subsidies from the Government through the State Revenue and Expenditure Budget (APBN) which is charged to the National Land Agency. Land certification through land registration provides many advantages compared to self-made certificates. These benefits include, among other things, subsidies from the Government, so that certificate applicants obtain fee reductions and speed up the certificate issuance process in accordance with the stipulated time requirements.

Considering the strategic nature of the mass certification program implemented at this land registry, as well as the financing budget using the APBN, violations of these activities can be referred to as general criminal acts, even though there is evidence of violations in the allocation of funds that can be criminalized as a criminal act of corruption which can be handled specifically in cases settlement of cases through the Corruption Eradication Commission.

CONCLUSION

Land registration, especially in Subang Regency, is seen from Law Number 5 of 1960, in principle as regulated in Article 46 to Article 72 of the Legislative Regulations of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Implementing Regulations of Government Regulation Number 24 of 1997 concerning Land Registration. Sanctions given to land officials who deviate from the provisions of land registration laws and regulations are referred to as general crimes, even if there is evidence of violations in the allocation of funds, which can be criminalized as an act of corruption.

REFERENCES

- Bachtiar Effendi, 1983, *Land Registration in Indonesia and its Implementing Regulations*, Alumni, Bandung.
- A.P. Protection, 1994, *Land Registration in Indonesia*, CV. Mandar Maju, Bandung.
- Boedi Harsono, 1999, *Indonesian Agrarian Law, History of the Establishment of Basic Agrarian Laws, contents and implementation*, Djangkat, Jakarta.
- Bambang Sunggono, 2002, *Legal Research Methodology*, Rajawali Press, Jakarta.
- Dalimunthe, Chadidjah, SH, M. Hum. "Implementation of Land Reform in Indonesia and its Problems", USU-Press, Medan, 1998

- Budiharseno, R. S. (2017). Factors influencing online buying behavior on g-market site among international students in Busan: A qualitative research. *Arthatama: Journal of Business Management and Accounting*, 1(1), 1-5.
- Eddy Ruchiyat, 1993, *Land Registration System After and Before the Implementation of UPPA*, Arani, Bandung.
- Djoko Prakoso and Budiman Adi Purwanto, 1985, *The Existence of Land Registration as an Implementing Mechanism for Agrarian Functions*, Ghalia Indonesia, Jakarta.
- Febri Hirnawan, 1998, *Awareness of Environmental Law in Development*, in: Kusdiwirarti.
- Esmi Warassih, 1983, *Fostering Legal Awareness*, *Legal Issues Magazine* Number 5 Year XIII (Undip, Semarang), Semarang.
- Hasan Wargakusumah, 1995, *Agrarian Law I*, PT. Gramedia Pustaka Utama, Jakarta.
- H.B. Sutopo, 1988, *Qualitative Research Methodology Part II*, UNS Press, Surakarta.
- Joyo Winoto, 2007, *Agrarian Reform and Social Justice*, National Land Agency, Jakarta.
- Joyo Winoto, *Land "Agrarian Reform" for Justice and People's Welfare*, Paper.
- Marzuki, 1978, *Research Methodology and its Application in Marketing Research*, Faculty of Economics, University of Indonesia, Jakarta.
- Kurniawan, R. (2017). Effect of environmental performance on environmental disclosures of manufacturing, mining and plantation companies listed in Indonesia stock exchange. *Arthatama Journal of Business Management and Accounting*, 1(1), 6-17.
- Notonegoro, 1974, *Legal Politics and Agrarian Development in Indonesia*, CV. Seventh Shower, Jakarta.
- Mulyawan, H. (2018). Function of Financial Services Authority In Supervision of Auto Insurance Companies. *Asian Journals of Law and Jurisprudence*, 1(1), 32-47.
- Prayogo, G. (2018). Bitcoin, Regulation and the Importance of National Legal Reform. *Asian Journals of Law and Jurisprudence*, 1(1), 1-9.
- Protection. A.P. Prof. Dr.SH, "Comments on the Basic Agrarian Law, Publisher CV. Mandar Maju, Bandung, 1998.
- S. Candra, 2005, *Certificate of Ownership of Land Rights*, Grasindo, Jakarta.
- Ronny Hanitijo Soemitro, 1983, *Legal Research Methodology*, Faculty of Law and Social Sciences Unissula, Semarang.
- Santiago, F. 2017. Implementation of the Role of Notary Through Capital Market in the Era of Asean Economic Community, *International Journal of Civil Engineering and Technology (IJCIET)* Vol.8, Issue 8, 1054-1059.
- Santiago, F. 2017. A Legal Perspective of the Law Enforcement of Land Dispute. *European Research Studies Journal (ERSJ)* Vol XX, Issue 4B, 2017, P. 578-587
- Santiago, F. 2017. Trade Secret Protection in the Globalization Era. *European Research Studies* XX (4A), 66-76.
- Setiono, Johan S, Masjur, Anna Alisyahbana (Ed) *Human Health and Environment*, Alumni, Bandung.
- Sutrisno Hadi, 1973, *Research Methodology*, Publishing Foundation, Faculty of Psychology UGM, Yogyakarta.
- Soerjono Soekanto, 1982, *Legal Awareness and Legal Compliance*, Rajawali, Jakarta.
- Winarno Surachmad, 1982, *Introduction to Basic Research in Technical Methods*, Tarsito, Bandung.
- Wahyuni, S., & Ginting, M. (2017). The impact of product quality, price and distribution on purchasing decisions on the Astra motor products in Jakarta. *Arthatama: Journal of Business Management and Accounting*, 1(1), 18-27.
- Wirawan, A. (2018). Future Directions of the Politics of Law of the Public Service. *Asian Journals of Law and Jurisprudence*, 1(1), 17-22