

The Urgency of Certificate Ownership as Proof of Land Rights Ownership in Tempuran Village

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Received : July 20, 2024
Revised : August 01, 2024
Accepted : August 20, 2024
Published : August 28, 2024

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Abstract: *One of the villages in Karawang Regency is called Tempuran village, which has a population of ± 4,300 people consisting of 11 RTs, 5 RWs and four hamlets. 60% already have a certificate, and 40% only have a verbal Deed of Sale and Purchase. Tempuran village follows the implementation of PTSL, which priorities systematic, complete, fast, simple and affordable principles for the Tempuran village community. Some village communities already know about land title certificates but have not yet reached the stage of implementing them by the regulations governing them. In reality, land rights regarding legal certainty do not always correspond to what is expected. Implementation in the field often occurs when the community does not have/has not yet produced a certificate of land rights, even though the community has lived on the land for a long time. This research aims to determine the urgency of land certificates as proof of ownership of land rights and what steps must be taken to provide legal awareness to the people of Tempuran village to have land certificates. This research uses qualitative research. The approach method uses an empirical juridical approach. The Result of this study Land certificates have a very strong function as legal evidence in providing certainty and legal protection to the owner. By having a certificate, Tempuran villagers have a strong legal basis to defend their land rights, in accordance with applicable regulations. Counseling the community on the obligation to maintain land in accordance with the UUPA and updating land data is important to be carried out regularly to ensure the accuracy of land ownership information in Tempuran Village.*

Keywords: *Certificates, Land Rights, Land*

INTRODUCTION

The relationship between humans and the land is very close, namely the land as a place for humans to live and continue their lives.¹ In life, the use of land must be in accordance with the goals that have been determined by the country, which is a very important basis in a country. Land according to the UUPA is only the surface of the earth. This is affirmed in Article 4 paragraph (1) of the UUPA.² It is emphasized that the beginning of a country is land in which the

state has the right to control, the UUPA determines that its ownership can be individuals, groups or legal entities. When the state grants the right to the earth's surface to be controlled by an individual or legal entity, it can be called the right to land.

There are various types of land rights, one of which is property rights where this property right is a land right that usually descends from generation to generation, a right that cannot be interfered with by other parties because it has strong legal protection of land rights. Land is one of the most important assets, the state has a program called agrarian reform where agrarian reform explains about the rearrangement of land tenure through asset management and also access to create prosperity. In the arrangement of land assets, it

¹Adrian Sutedi, *Peralihan Hak Atas Tanah dan Pendaftarannya*, (Jakarta: Sinar Grafika, 2018), hlm. 31.

²Pasal 4 Ayat (1) Undang-Undang No. 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria.

is required to be registered immediately because the certificate is proof of ownership of land rights and is the result of the legalization of assets that have been issued by the state. Regarding the ownership of the certificate as proof that the ownership of the land rights is still not complete, the land has been certified, it occurred in one of the villages in Tempuran District, Karawang Regency, West Java Province, namely Tempuran village. Tempuran Village is a village that has an area of 5.43 km² in Tempuran District, Karawang Regency, West Java Province. It has an astronomical location of 06.194323°S, 107.473486°E and has its territorial boundaries.³

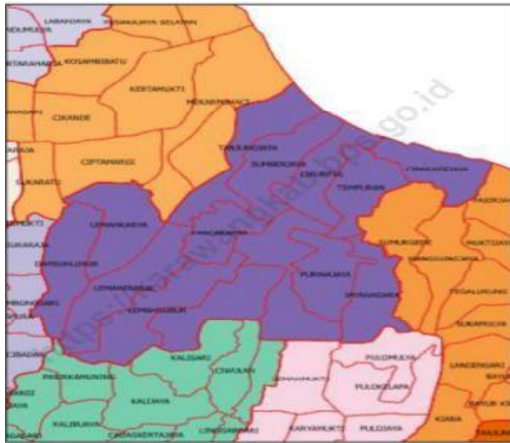


Figure 1. Map of Tempuran District, Karawang Regency

The eastern boundary is two villages, namely Cikuntul Village and Sumurgede Village, in the north there is Cikuntul Village, in the south there is Jayanegara, in the west there is Pagadungan Village. According to the 2024 Tempuran Village profile report. The area of the village of Tempuran is 5.43 km². Tempuran Village has a population of ± 4,300 people consisting of 11 RTs, 5 RWs, and 4 Hamlets. Among them, there are around ± 3,300 people who already have the right to vote and there are 1,500 families. Of the 1,500 households, 60% already have a certificate and 40% only have AJB (Deed of Sale and

Purchase), SPOP (Tax Object Notification Letter), and Village Letter-C. The awareness of the village community on the importance of land deeds has not been fully maximized because there are still 40% who do not have a certificate .

Some of the village communities already know about land rights certificates but have not yet reached the stage of implementing them in accordance with the regulations that govern them.⁴ In reality, this land right regarding legal certainty is not always in accordance with what is expected. Implementation in the field often occurs when the community does not have/has not made a certificate of land rights even though the community has been inhabiting the land for a long time.

METHOD

In this study, the urgency of ownership as evidence of ownership of land rights uses qualitative research The approach method is juridically empirical because the main data used is primary data where the data is obtained from the results of field study data, and supporting data comes from literature studies. This research uses case studies of problems that already exist in the field. The empirical juridical approach in this research aims to examine the applicable legal regulations by looking at how they are applied in society. This method combines normative analysis of laws and regulations with empirical data collection through observation, interviews, or surveys in the field. Thus, this approach not only focuses on the theoretical aspects of law, but also evaluates the effectiveness and implementation of law in social reality. The results of the empirical juridical approach are expected to provide a comprehensive picture of the conformity between written law and practice in the field.⁵

³<https://karawangkab.bps.go.id/publication/2021/09/24/41eab06c9abd4c8b2ff9551b/kecamatan-tempuran-dalam-angka-2021.html>, (24 September 2021)

⁴Hasil wawancara dengan saudara R. Zaenal Rojali, Kepala Desa Tempuran pada tanggal 17/04/2024.

⁵Suteki. Galang Taufani, Metodologi Penelitian Hukum (Filsafat, Teori, dan Praktik), (Depok: Rajawali Pers, 2022), hl.139.

RESULTS AND DISCUSSION

A. The Urgency of Land Certificates as Proof of Land Rights Ownership

Of the population of ± 4,300 people, it is very unfortunate if it is presented that around 40% of the residents of Tempuran village do not have land certificates. The factors that affect the value of the above percentage are due to the lack of public awareness of the importance of certificate ownership, in addition to the lack of socialization from the relevant government, including ATR/BPN, as well as the program from ATR/BPN itself, namely the Complete Systematic Land Registration program, this program is to carry out and optimize land registration systems and procedures in all regions. This program is designed to provide legal certainty and protection of land ownership rights for the community in a systematic, comprehensive, and efficient manner. PTSL aims to register all land plots in Indonesia, both those that do not have a certificate and those that have been certified but require data improvement.

The implementation of PTSL prioritizes the principles of systematic, complete, fast, simple, and affordable. This program is carried out simultaneously throughout Indonesia, covering all types of land without exception. The process is designed to be faster than conventional land registration, with simplified procedures to make it easier for the public to understand. The fees charged to program participants are also relatively low, making them more affordable for people from all walks of life.

In its implementation, PTSL involves collaboration between various parties, including the central government, local governments, village officials, and active community participation. This program not only aims to accelerate the land certification process, but also to improve the quality of land data, reduce the potential for land disputes, and support more productive land use. Thus, PTSL is expected to have a meaningful impact on economic progress and improving people's welfare. Indonesia as a whole.

In this case, the state has regulated land registration and has also given freedom to

the community to have land rights as referred to in the UUPA.⁶ The granting of the right to the land, then the person or legal entity as a person/almond who has land rights has established a legal relationship.⁷

The material rights that are the strongest as evidence and have full control over land rights in this case are called property rights. Where this right can only be owned by Indonesian citizens, individuals and legal entities, but for the legal entity itself there are provisions given by the government which must remember from the social function to the right to land. The purpose of registration is to protect the owner from disputes regarding land and for regulation in terms of land administration.

Historically, land rights in Indonesia reflect social and economic dynamics over time. At that time, the community was not yet dense and the land was still abundant, the land was only managed and used for personal needs without commercial purposes. In line with the increase in the number of people, land began to be seen as an asset that was traded because of the demand and supply. Land ownership for the present has changed from a commodity to property.⁸

Land registration to have ownership of land rights certificates has been regulated in UUPA Article 19 which has regulated legal certainty based on land registration.⁹ Land registration is a series of activities carried out by the government in a sustainable and systematic manner. This activity includes: Collecting information and specific data about

⁶Sisca Anindya Rachmawati, "Revolusi Sistem Pencatatan Tanah Melalui Program Pendaftaran Tanah Sistematis Lengkap (PTSL) (Studi Lapangan Di Desa Bantul)", *Widya Pranata Hukum: Jurnal Kajian Dan Penelitian Hukum*, Vol. 3 No. 1, (April 2021): 1.

⁷Yulies Tiena Masriani, "Pentingnya Kepemilikan Sertifikat Tanah Melalui Pendaftaran Tanah Sebagai Bukti Hak", *Jurnal USM Law Review*, Vol.5, No.2 (2022)

⁸Rosmidah, "Kepemilikan Hak Atas Tanah di Indonesia", *Inovatif: Jurnal Ilmu Hukum*, Vol. 6 No. 2, (2013):

⁹Pasal 19 Ayat (1) Undang-Undang No. 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria.

land in various regions, processing data that has been collected, storing the information, presenting data for the benefit of the community. The main focus of this procedure is to enforce legal certainty in the field of land, including the issuance of evidence of ownership and management of the relevant archives.

A certificate is an official document that functions as proof of ownership or rights to certain property, for example such as land rights, management rights, waqf land, ownership of flats, dependent rights which are listed in Article 3 of PP 24 of 1997. It should be underlined that certificates are only issued for properties that have been officially registered and recorded in the appropriate land book .

Land registration is a series of activities carried out by the Government with the following characteristics: Carried out continuously, interrelated processes, carried out with a clear system. These activities have several stages such as data collection, information processing, bookkeeping, data presentation, and data maintenance. There are two types of data that are managed by physical data and juridical data with the object being land plots, flats.

Facilitate the transfer of land rights and also shorten the process of transferring land rights and encumbrance of land rights if you want to sell a piece of land, the process will be easier and faster if you have a land certificate. Land that has a certificate will be more valuable, reflecting its legal validity and the absence of disputes over it.

Land rights have a crucial role in human life where along with the progress of society and population growth, the importance of land rights is increasing. The State requires the registration of all land in the territory of the Republic of Indonesia where this is stated in Article 19 paragraph (1) of the UUPA. Initially, the rules regarding land registration were Government Regulation Number 10 of 1961 which was further enhanced with a new regulation Government Regulation Number 24 of 1997 concerning Land Registration. The regulation is the first step of the government's consistency in systematically registering land

for all land registration objects.¹⁰ As stated above, land registration has registered objects such as, ownership of sarusun, management rights, waqf land, and land rights.

Regarding the rules in the Government Regulation in its system of land books, it must have a copy in each registration. This copy is used to issue a certificate which is official proof of ownership of land rights that guarantees legal certainty. The certificate itself consists of two main parts that are sewn into a single document; copies of land books and survey letters. After carrying out the land registration, the certificate is issued by the National Land Agency (BPN).¹¹

This system ensures that each registered parcel of land has official documents that reflect its legal and physical status, as well as providing legal proof of ownership for rights holders. Article 9 paragraph 2 of the UUPA explains that the state provides an opportunity for every Indonesian citizen, male or female, to obtain something from land rights and have the right to use it and the results for themselves.

In Article 15 of the UUPA, citizens have an obligation to maintain soil, increase soil fertility, prevent soil damage, both from individuals, legal entities and agencies. In the proof of ownership, there is a close relationship between land and Indonesian citizens, paying attention also to those whose economies are weak, and it is very important for citizens to have authentic evidence (certificates) of the land they live on. Basically, these provisions emphasize that land ownership in Indonesia carries with it the obligation to maintain and improve the quality of the land, while still paying attention to the aspect of social justice. Therefore, having proof of legal ownership is very important for Indonesian citizens.

¹⁰Helianus Rudianto, Muhamad Heriyanto, "Penerapan Program Pendaftaran Tanah Sistematis Lengkap (PTSL) di Kabupaten Ngada", *Jurnal Ilmiah Administrasi Pemerintahan Daerah (JIAPD)*, Vol. 14 No. 1 (Juni 2022).

¹¹Dadi Arja Kusuma, Rodliyah Rodliyah, Sahnun Sahnun, "Sertifikat Hak Atas Tanah Sebagai Alat Bukti Hak yang Kuat", *Jurnal IUS Kajian Hukum dan Keadilan*, Vol. 5 No.2 (2017)

The national program refers to large-scale initiatives launched and implemented by the central government to achieve the country's strategic goals. A national program is a series of policies and projects designed to meet the interests of the country at large, usually involving long-term planning and implementation involving various sectors of government. The objectives of these programs generally include infrastructure development, economic development, improvement of community welfare, or strengthening national resilience. Examples of national programs can be the construction of interprovincial toll roads, the development of special economic zones, large reservoir projects for irrigation and power plants, or transmigration programs.

The implementation of national programs often requires a large allocation of resources, both in terms of budget and land. In the context of land use, the government has the authority to carry out land acquisition for the public interest, which is regulated in the law. This process can involve negotiations with landowners, determination of the value of compensation, and in some cases, relocation of residents. Although aimed at the greater good, the implementation of this national program sometimes poses challenges, especially regarding the rights of individuals and communities directly affected by the project¹².

Although the national program has legal legitimacy and is intended for the public interest, its implementation must still pay attention to the aspects of justice and the welfare of the affected communities. Therefore, the process of planning, implementation, and evaluation of national programs should ideally involve community participation and consider the long-term socio-economic impacts on local communities.

B. Steps to Provide Legal Awareness to the People of Tempuran Village to Have a Land Certificate

Land is an asset of very high value, including its historical value. Land ownership

history can be formed through various ways, such as buying and selling or other transactions. The value of land is also influenced by factors such as its large population, the economy of the community, the need for a place to settle, and development. Land ownership must be proven by an official certificate. This process includes the preparation of a sale and purchase deed and the transfer of the name of the certificate at the office of the Land Deed Making Officer. Sales transactions must be carried out in front of PPAT, which wants to explain the processing fee in accordance with the Regulation that regulates it on the basis of the law of the Regulation of the Minister of ATR/BPN No. 33 of 2001 concerning PPAT Service Fees.

In the process of land certification, whether for sale or purchase or other reasons, it is important to note that the deed must be made or signed in the presence of a Notary/PPAT. This is necessary to ensure the validity and legal certainty in the transfer of land ownership. Land is a high-value asset with an important historical dimension. Land ownership can come from various transactions, including buying and selling. Land value is influenced by various socio-economic factors such as population density, employment, community income, housing needs, and development¹³.

Land ownership must be proven by an official certificate. This process involves making a deed of sale and purchase and changing the name at the office of the Land Deed Making Officer (PPAT). While important, some parties tend to avoid this formal process. PPAT is in charge of explaining the costs associated with the process, which is regulated in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency (ATR/BPN) Number 33 of 2001.

¹² Purwanto E, Zarkasih A. Legal Politics of Land Dispute Settlement Post The Implementation of The Work Copyright Law in Realizing Security and Justice of Land Rights in Indonesia. *Huk dan Keadilan*. 2024;1(4):14–23.

¹³ Rahmad A. Harmonisasi Hukum Adat dan Hukum Pertanahan Nasional Terkait Kepemilikan Tanah Dalam Rangka Proyek Strategis Nasional. *JHK J Huk dan Keadilan* [Internet]. 2023;1(1):1–12. Available from: <https://jurnalhafasy.com/index.php/jhk/article/view/43>

In land certification, either through sale and purchase or other means, the making or signing of the deed must be done in the presence of a Notary/PPAT. This step is important to ensure legality and legal certainty in the transfer of land ownership. The formal process of land certification is crucial in guaranteeing ownership rights and providing legal protection for landowners.

One example is in Karawang City, precisely in Tempuran Village, where the local community does not understand the importance of owning a certificate on a piece of land, so there are many problems regarding certificate ownership. As is known, out of a population of ± 4,300 people, it is very unfortunate if it is presented that around 40% of the residents of Tempuran village do not have land certificates. This will be especially problematic when there is a case regarding property damages. Land eviction cases for the government's national program often cause problems, especially when the affected land does not have a certificate. This situation creates a dilemma where landowners risk receiving compensation that is not commensurate with the true value of their property. Without a certificate as strong proof of ownership, landowners are in a weak bargaining position in the negotiation process with the government. Although they may have alternative proof of ownership such as a sale and purchase letter or proof of tax payment, these documents are often considered less legally robust compared to official certificates.

The government generally uses official documents such as certificates to determine the value of compensation, so land without certificates is at lower risk. This can result in unfair compensation for the landowner. While national programs typically have a strong legal basis, it's important to remember that landowners still have the right to decent compensation. In a situation like this, the role of legal aid institutions or NGOs is very important to help people fight for their rights and get fair compensation.

Cases like this emphasize the urgency of land certification programs as an effort to protect the rights of communities. Land certificates not only provide legal

certainty, but also strengthen the position of landowners in dealing with various situations, including evictions for the sake of national development. Thus, it is important for the community to understand the importance of land certification and for the government to facilitate the certification process so that the rights of citizens can be better protected.

Therefore, here are the steps that may be able to provide legal awareness to the community in Tempuran village to have a land certificate:

1. Data collection was carried out on the community in Tempuran village who did not have a land certificate. Therefore, here the role of the Tempuran village government apparatus is very important in providing legal awareness in order to help its citizens to have a land certificate.

After the data collection is carried out by the Tempuran village government apparatus, the next step is to provide legal counseling to the residents of Tempuran village who do not have the land certificate. Regulatory socialization is an effective method of disseminating legal information, aiming to foster public understanding and compliance with the law, in order to create the rule of law. Counseling about government programs, one of which is a government program known as PTSL or Complete Systematic Land Registration is an initiative that aims to simplify the process of obtaining land certificates for the community. Through this program, residents can obtain their land ownership documents in an easier and more affordable way.

CONCLUSION

Land certificates serve as very strong legal evidence in providing certainty and legal protection to the owner which is in accordance with what is stated/explained by Law Number 05 of 1960 concerning Basic Regulations on Agrarian Principles and also This is very beneficial for the residents of Tempuran village, especially in the event of a dispute regarding land ownership rights. The legal force of this certificate has also been clearly regulated in other rules, namely in Government Regulation Number 24 of 1997 concerning Land Registration. By having a

certificate, the people of Tempuran village have a strong legal basis to defend their rights to the land they own, in accordance with applicable provisions. The suggestion from this study is to conduct/carry out counseling to the community about the obligation to maintain land in accordance with the UUPA and update land data regularly to ensure the accuracy of land ownership information in Tempuran village.

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