

Management And Transition Mechanism Of Land PT. Kawasan Industri Wijayakusuma (Persero) Of Semarang City

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Abstract. The study "Mechanism of Transition Management and Land Rights PT Kawasan Industri Wijayakusuma/KIW (Persero) Semarang", aims: 1) To be able to know and analyze the pre-implementation process of managing the transition of land rights in PT. KIW (Persero) Semarang. 2) In order to determine and analyze the management process as well as implementation and post-implementation transition of land rights in PT. KIW (Persero) Semarang. 3) To examine and analyze the barriers that exist in the process of pre- to post-implementation management transition of land rights in PT. KIW (Persero) Semarang and the efforts of its solution.

The results showed that: 1) the pre-implementation process of transition land rights there are still things that do not based procedures or norms that apply in the case of land acquisition. 2.a) the transition process of land rights especially those of the company of Persero/Liability Company (PT) with the usual transition land rights-related mechanisms making it different. 2B) post-implementation process was related to the Master Plan of PT. KIW Semarang in accordance with the Spatial Plan (RTRW) of Semarang. 3) The existence of barriers that occur and the impact on the transfer of land rights PT. KIW Semarang, which is still difficult to solve.

Keywords: Management; Transfer of Rights Land Company.

1. Introduction

Land has an important meaning for life, for people, animals, or plants. Land is the source of life for all creatures on earth. For humans, the land used for farming to meet the needs of everyday life, for building or home as a residence and as a final resting place for people who come back to the Creator is God Almighty. For animals, the land as a place to grow a staple food source, and for the plant as well as a place to grow food for the plant was made.

Soil has a high economic value. The value of land is increasing day after day. That's because the amount of demand for land is also increasing. Land is often used as collateral in a bank loan, the nominal Because of the higher, non-transferable, and can not be tampered with. Not infrequently, if at this time the land became seizure or disputes that occur in the community Everyone will be trying to own and control the land which can lead to conflict.

In the provision of Article 33 paragraph (3) of the Constitution of the Republic of Indonesia Of 1945 stated that: "The earth and water and natural resources contained therein controlled by the state and used for the greatest prosperity of the people".

Once the importance of soil for human life, especially the need for a place to stay, a place for various business sectors, and as a source of livelihood for most people, it is necessary arrangement and control in the area of land so that the land can be utilized

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as much as possible and as well as possible for the benefit of all the people. Problems or the problems associated with land ownership often occur in the community.

In addressing the issues in the land sector, the government passed legislation in the land sector, namely the Basic Agrarian Act No. 5 of 1960 On the Basic Regulation Agrarian hereinafter referred to BAL.⁴ BAL is a basic guideline to regulate the issue and lay the groundwork to provide legal certainty regarding the rights to land for all the people of Indonesia.⁵ With the enactment BAL fundamental changes in agrarian law in Indonesia, especially in the land sector.⁶

However, land registration is not only on the government, the owner of the land / rights holders also have an obligation to carry out the registration of land in accordance with the provisions in the Law Article 23, 32, 38 whose contents, that right, leasehold and Broking as well as any transfer , abolishment and gave with other rights must be registered according to the provisions of land registration. The registration is a tool strong evidence regarding the abolishment of the Properties, leasehold and Broking as well as the validity of the transitional and loading.

Given the importance of legal certainty in the transition of land rights as a result of the land transactions by BAL are required to register transfer of rights for the sale and purchase.⁷

The transition of the land rights is a legal act which aims at transferring the rights from one party to another party. Some ways of Transfer of Rights to Land is about the sale, exchange, donation, according to the customs administration, revenue in the company. The transition of land rights should be conducted in the presence of officials, namely the Land Deed Official hereinafter called PPAT. This is in accordance with Government Regulation No. 24 of 1997 on Land Registration Article 37 paragraph (1) (hereinafter referred to as PP 24/1997) which states:

"Transfer of Rights to land and property rights to the apartment units through purchase, exchange, donation, inclusion in the company and the legal act of transfer of the rights of others, unless the assignment through auction, can only be registered if proven by deed made by PPAT competent according to the legislation in force. "⁸

Which is where the subject in this paper is; KIW PT (Persero), formerly known as PT Kawasan Industri Cilacap (Persero) was established by Deed Number 10 dated October 7, 1988 Notary Soeleman Ardjasmita, SH. In the development of Cilacap PT Kawasan Industri (Persero) to expand in Semarang and changed its name to PT Kawasan Industri Wijayakusuma (Persero) with the Act No. 33-34 Notary Mrs. Asmara Noer, SH.⁹ The location of the requested PT KIW an industrial area that is set by the government based on rule Semarang Level II Regional Municipal No. 1 of 1999 on Spatial Planning Level II Regional Municipality of Semarang 1995-2005.¹⁰

From the above description, the authors formulate some problems as follows; 1. How does the pre-implementation transition of land rights in PT. Kawasan Industri Wijayakusuma (KIW) (Persero) Semarang? 2. How does the process of implementation and post-implementation transition of land rights in PT. Kawasan Industri

⁴Boedi Harsono, *Hukum Agraria Indonesia, Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi, dan Pelaksanaannya, Jilid I, Hukum Tanah*, Djambatan, Jakarta, 2003, p. 220.

⁵Bachtiar Effendi, *Pendaftaran Tanah di Indonesia dan Peraturan-Peraturan Pelaksanaannya*, Alumni, Bandung, 1983, p. 5.

⁶ Boedi Harsono, *Hukum Agraria Indonesia Jilid I, Hukum Tanah Indonesia*, Djambatan, Jakarta, 2007, p. 1.

⁷ Wantjik Saleh, *Hak Anda Atas Tanah*, Ghalia, Jakarta, 1982, p. 30.

⁸ (<http://lib.ui.ac.id.html> visited on February 8, 2017)

⁹ PT. Kawasan Industri Wijayakusuma, (<http://kiw.co.id/visi-misi>, Visited on February 8th, 2017).

¹⁰ Decree of the National Defense Agency, Defense Office of Semarang on Petition PT. Kawasan Industri Wijayakusuma on 19 September 2000 Number: 1009 / S / PT.KIW / 9/2002 Subject: Request Confirmation Location on behalf of Kawasan Industri Wijayakusuma, p. 2.

Wijayakusuma (KIW) (Persero) Semarang? 3. What barriers exist in the process of pre- to post-implementation management transition of land rights in PT. Kawasan Industri Wijayakusuma (KIW) (Persero) Semarang and how the efforts of its solution?

Research Methods

Specifications research is descriptive analysis, the research aims to provide an overview of the problems that occur in connection with the use of legislation applicable and relevant theory is then collected through the data that is collected, processed, and prepared in theory there is to gain troubleshooting according to applicable regulations.

2. Results and Discussion

2.1. Pre-Implementation Process of Transfer of Rights to Land in PT. Kawasan Industri Wijayakusuma (KIW) (Persero) Semarang.

Based on the results of the study, PT. KIW Semarang has two methods of land acquisition:¹¹

- Approach, through persuasive approach the PT. KIW offer a specific price or remuneration after the measurements to the ground by the National Land Agency (BPN), witnessed and approved by both parties, in order to obtain land rights that aims to be managed as industrial land.
- Purchase of letters, such methods are rarely used but is used only when a state of urgency only, example; when letters original owners or residents lost and if the original owner or resident difficult to negotiate. So the method will be more time-consuming because of having to go through the process of checking in the village concerned, in order to find out whether the sample; X registered land owned by A or not.

That should be underlined that the portion of the Land Deed Official (PPAT) or notaries who work with PT. Kawasan Industri Wijayakusuma (KIW) Semarang merely about legalized only. PT. Kawasan Industri Wijayakusuma (KIW) Semarang has its own team to move into the process of making all forms of certificates, starting from the registration process, measurement or survey, to be completed or discharge certificate or Decree (SK).

2.2. And Post-Implementation Process of Transfer of Rights to Land in PT. Kawasan Industri Wijayakusuma (KIW) (Persero) Semarang.

- **Transfer of Rights to Land residents to PT. KIW¹²**
Through the process; 1. Proses Application Filing Rights (as a condition for granting an attachment of petition HGB); 2. Payment of Tax on Acquisition of Land and Building (BPHTB) (VAT borne by PT. KIW (Persero) Semarang); 3. Application for Granting Right to Build (HGB).
- **Transfer of Rights to Land PT. KIW to Investors¹³**
Through the process; 1. Sale and Purchase Agreement (SPA); 2. Sale and Purchase Agreements (AJB); 3. Proceed to the Land Office.
- **Post-Transition Land Rights¹⁴**
Post of transition PT. KIW only responsible regarding any particular infrastructure, among others: 1. Main Street (Protocol in the area of PT. KIW (Persero) Semarang);

¹¹ Interview with Mr. Panggah Tuhu Prasetyo, ST employees of Human Resources (HR) PT. Kawasan Industri Wijayakusuma (KIW) Semarang Tuesday, June 20, 2017.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

2. Drainage; 3. Greening; 4. Water; 5. Wastewater Management; 6. Service Charge (cost to be borne by the investor for the benefit of infrastructure).

PT. KIW still fully responsible for the management of the above, as well as investors or other companies are obliged to pay a management fee related to it.

Besides that, in the post-implementation process was related to the Master Plan of PT. Kawasan Industri Wijayakusuma (KIW) Semarang also complies with the Spatial Plan (RTRW) Semarang, which it is not really clear standard set forth by the restrictions, especially concerning the Master Plan itself. However, in the Spatial Plan (RTRW) of Semarang is clearly mentioned in Article 84 paragraph 2 point b of the industrial area, that the name of PT. Kawasan Industri Wijayakusuma (KIW) Semarang mentioned in the Spatial Plan (RTRW) of the Semarang City. Therefore, indirectly that PT. Kawasan Industri Wijayakusuma (KIW) Semarang, especially in the post-implementation processes associated with the Masterplan PT. Kawasan Industri Wijayakusuma (KIW) Semarang has complied with the procedures contained in the Spatial Plan (RTRW) of Semarang.

2.3 Obstacles that exist in the Pre to Post Process Management Implementation of the Transfer of Rights to Land PT. Kawasan Industri Wijayakusuma (KIW) (Persero) Semarang.

- During the process of land acquisition is possible that the original owner or a resident is not in accordance with the price determined by the company. Residents prefer to maintain the land and continue to ask for a high price, which is in fact the land has become part of PT. Wijayakusuma Industri Region (KIW) Persero Semarang.
- The loss of the letters; letter C from the original owners or residents, have an impact on the difficulty of the transition process of land rights. Given the requirements of the application process requires submission of rights attaching about these letters.
- Their land dispute with PT. Sango until now, due to PT. Sango has occupied the ground first. But after a portion of the land as part of the PT. Kawasan Industri Wijayakusuma (KIW) Persero Semarang, PT. Sango was reluctant to give it to the PT. Kawasan Industri Wijayakusuma (KIW) Persero Semarang. Because both sides are equally as hard, until now barriers or problems related to the transition of land rights in PT. Kawasan Industri Wijayakusuma (KIW) Persero Semarang most difficult to accomplish and there is no solution to solve the problem is a dispute between PT. Kawasan Industri Wijayakusuma (KIW) Persero Semarang with PT. This Sango.
- In the post process that has reached the stage of management, the next obstacle is the presence of other companies that lack order with everything well. What often happens is in terms of waste management, there are some companies that exemplified that the company dispose of waste in the sewers directly led to the ditches that direct contact with the citizens.
- Lack of clean water supply in PT. Kawasan Industri Wijayakusuma (KIW) Persero Semarang, which affects the number of complaints made by companies which are within the PT. KIW Semarang. It is also due to the result of the four stations owned by PT. Kawasan Industri Wijayakusuma (KIW) Persero Semarang only two pumps that can function efficiently, while two pumps more are under repair.

3. Closing

3.1. Conclusion

Based on what has been described in section III, it can be summed up as follows:

- In practice can be understood in the pre-implementation process of the transition of land rights in PT. Kawasan Industri Wijayakusuma (KIW) Semarang, a classmate of large companies such as PT. Kawasan Industri Wijayakusuma (KIW) Semarang,

- which is part of the State Owned Enterprises (SOEs), there are still things that do not based procedures or norms that apply in the case of land acquisition.
- That the process of transition and post-transition land rights land;
 - The transition process of land rights especially those of the company Persero Liability Company (PT) with the usual transition land rights-related mechanisms making it different. Which can be illustrated in this paper that the transfer of land rights mechanism PT. Kawasan Industri Wijayakusuma (KIW) Semarang is the status of land the company is Broking Parent (HGB Parent), which in the sense of a collection of various plots of land status Hak Guna Bangunan (HGB) were merged into one and didaftarkan into a single unit that is Broking Parent (HGB Parent), can be realized that Broking Parent (Parent HGB) can be separated back into individual Usage Building Right (HGB) in accordance with the lot-lot previously. And in that regard, according to the author is that in essence the implementation process of the transition of land rights in PT. Kawasan Industri Wijayakusuma (KIW) Semarang has been in accordance with what is stipulated in Act No. 5 of 1960 on Basic Regulation of Agrarian and Government Regulation No. 24 of 1997 on Land Registration.
 - Post-implementation process was related to the Master Plan of PT. Kawasan Industri Wijayakusuma (KIW) Semarang also complies with the Spatial Plan (RTRW) Semarang, which it is not really clear standard set forth by the restrictions, especially concerning the Master Plan itself. However, in the Spatial Plan (RTRW) of Semarang is clearly mentioned in Article 84 paragraph 2 point b of the industrial area, that the name of PT. Kawasan Industri Wijayakusuma (KIW) Semarang mentioned in the Spatial Plan (RTRW) of the Semarang City. Therefore, indirectly that PT. Kawasan Industri Wijayakusuma (KIW) Semarang, especially in the post-implementation processes associated with the Masterplan PT. Kawasan Industri Wijayakusuma (KIW) Semarang has complied with the procedures contained in the Spatial Plan (RTRW) of Semarang.
 - The existence of barriers that occur and the impact on the transfer of land rights PT. Kawasan Industri Wijayakusuma (KIW) Semarang:
 - The existence of a dispute between PT. Kawasan Industri Wijayakusuma (KIW) Semarang PT. Sango, relating to land ownership. The common thread to these problems is PT. Sango who tend to want to defend their land, but the definition of "land" to the PT. Sango is a mistake. Land owned by PT. Sango entered the area of land owned by PT. Kawasan Industri Wijayakusuma (KIW) Semarang, which is part of the State Owned Enterprises (SOEs), in the context of the state should land destined for the legitimate interests of the country are state property, or if the problem is reflected in the PT. Kawasan Industri Wijayakusuma (KIW) Semarang. However, in reality the land is still in the status of the dispute, and to this day the problem and even then not come to the light so that both parties are equally beneficial.
 - Regarding wastewater discharges other companies done arbitrarily. It can be concluded that the lack of awareness level of investor or any other company regarding the adverse impact of waste water disposal recklessly or carelessly. Everyone knows, the careless disposal of waste will have a negative impact on the surrounding environment; odor, pollution of rivers, to the pollution of water sources used residents to perform daily activities.

3.2. Suggestion

Of all the things that have been written by the author based on the results of the study, the authors can put forward suggestions as follows:

- Especially regarding the transition process to land rights between PT. Kawasan Industri Wijayakusuma (KIW) Semarang with the original owner of the land or associated in practice running as well as it should, then the parties must meet certain requirements set by the government, in particular from the Land Deed

Official (PPAT) or Notary. And do not forget the good communication between the parties involved in the process and is accompanied by good faith and a sense of responsibility.

- As the person in charge of a full environment, PT. Kawasan Industri Wijayakusuma (KIW) Semarang should be their mandate, to continue to uphold the principle of kindness and openness. Because the post-transition management of the land rights can be considered as the last step but has a great responsibility towards other companies in particular and citizens or natives of the region.

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