

The Sporadic Customary Land Registration Problems

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Abstract. *This research is aimed at the majority of the population of the Gubug District community, which has not yet obtained a land certificate. Because they still don't understand the meaning and function as well as land certificates, so the proof of land ownership uses the Village C/D letter. Based on Government Regulation Number 24 of 1997 concerning Land Registration, this Government Regulation is the basis for conducting land registration. However, in reality there are still many who have not carried out the certification process. The problems studied are: the problems of sporadic implementation of customary land registration, obstacles and efforts in the implementation of land registration. The approach method used in this study is an empirical or sociological juridical approach. While the data analysis method used in this study is a qualitative method. Based on the results of the study, it shows that the process of implementing customary land registration has not been carried out in part by a sporadic system at the Land Office and PPAT and in the implementation there are still obstacles that are still considered difficult and expensive, the cost of land registration certificates and ignorance in the community. Meanwhile, the solution sought is to provide information and socialization so that the community understands more about the importance of land certificates.*

Keywords: Customary; Land; Problem; Registration; Sporadically.

1. Introduction

Land is a gift from God Almighty to mankind on earth. Land is a basic human need. From birth to death, humans need land for shelter and a source of life. Cosmologically, land is a place where humans live, work and live. Where did they come from, and where are they going? In this case, land has economic, social, cultural, political, and ecological dimensions.¹ Land in the legal sense has a very important role in human life because it can determine the existence and

¹Bernhard, Limbong, (2012), *Konflik Pertanahan*, Jakarta: Margaretha Pustaka, p. 1.

continuity of legal relationships and actions, both in terms of individuals and the impact on others. Land in a juridical sense is the surface of the earth. Land is a natural resource factor that is very important for human life, because land is used as a basis for the establishment of a place to live (houses) and obtain food by empowering the land. There is almost no human activity that is not related to the land. Humans need a homestead (a place to live), a clan (a means of land transportation), works (a place to work), likes (a place for recreation), and perfection (a place for education, worship, and so on).² Land has an important role in human life because it has a dual function, namely as a social asset and a capital asset. As a social asset, land is a means of binding unity among the Indonesian people in living in society, nation and state, while land asset capital is a capital factor in development and land must be used and utilized as much as possible for the welfare of the people in a fair and equitable manner, and its sustainability must also be maintained. ³ According to land expert Djuhaendah Hasan, land has a special position in the life of indigenous peoples in Indonesia until now. This can be seen from the attitude of the Indonesian people themselves who pay respect to the word land, as other words for the designation of the state are the homeland, the land of blood spilled, and the land of inheritance.⁴

In addition to being regulated in Law Number 5 of 1960, the regulation on land registration is also further regulated by Government Regulation Number 10 of 1961 concerning Land Registration and has been amended by Government Regulation Number 24 of 1997 concerning Land Registration which until now has become the basis of activities. land registration. In Government Regulation Number 24 of 1997 Article 1, what is meant by land registration is a series of activities carried out by the Government continuously, continuously, and regularly including collection, processing, bookkeeping, presentation, and maintenance of physical data and juridical data, in the form of maps and lists. , regarding land parcels and apartment units, including the issuance of certificates of proof of rights for land parcels that already have rights and ownership rights to apartment units as well as certain rights that encumber them.

²Widyaningsih, Kartika, Budi Santoso & Mujiono Hafidh P, 2019, "Pelaksanaan Pendaftaran Tanah Untuk Pertama Kali Terhadap Tanah Yang Belum Bersertipikat Melalui Program Nasional Agraria (Prona) Di Kantor Pertanahan Jakarta Barat" in Jurnal Notarius Notary Law Program, Faculty of Law Universitas Diponegoro, Volume 12 Nomor 2, December, 2019, accessed on 01 December 2021 At 22.00 WIB.p. 825.

³Maulidi, Mohammad Jeffry, M. Arba & Kaharuddin, 2017, "Analisis Hukum Tentang Peralihan Hak Milik Atas Tanah Dengan Bukti Akta di Bawah Tangan Sebagai Dasar Pendaftaran Tanah Untuk Pertama Kali (Studi di Kabupaten Lombok Tengah)", in Jurnal IUS Kajian Hukum & Keadilan, Program Studi Magister Ilmu Hukum Faculty of Law Universitas Mataram, Volume V Nomor 3, December, 2017, accessed on 25 November 2021 At 10.00 WIB, p. 415.

⁴ Ibid.

Land registration is intended to provide certainty of rights and legal protection for holders of land rights with proof of land certificates, as an instrument for structuring land control and ownership as well as a controlling instrument in the use and utilization of land. The registration of land rights is a guarantee from the state and an important instrument for the protection of land owners. Land registration is *rechtkadastral* which includes the following activities: 1) land measurement, mapping and bookkeeping; 2) registration of such rights; 3) granting of certificates of land rights which are valid as a strong evidence.⁵ The registration itself provides a comprehensive record. In general, the objectives of land registration are: 1) to maintain and develop an efficient land registration system; 2) to guarantee legal rights to land according to the law on behalf of; 3) to have strong access to land information; 4) to bind service delivery.⁶

The function of land registration is to guarantee legal certainty and the description of this function can be found in various provisions including:⁷

A certificate is a letter of evidence that acts as a strong means of proof regarding the juridical data and the physical data contained in it, as long as the physical data and juridical data are in accordance with the data contained in the letter of measurement and the book of land rights concerned.

A certificate that has been legally issued in the name of the person or legal entity that obtained the land in good faith and actually controls it, then the other party who has rights to the land can no longer demand the implementation of the right if within 5 years from the issuance of the certificate it is not file an objection in writing to the certificate holder and the head of the land office concerned or not file a lawsuit in question or not file a lawsuit with the court regarding land tenure or the issuance of the certificate.

According to the provisions of Article 1 number 11 Government Regulation no. 24 of 1997 that Sporadic Land Registration is a land registration activity for the first time regarding one or several objects of land registration in the territory or part of the territory of a village or sub-district individually or in bulk. In the event that a village/ has not been designated as a systematic land registration area, then the land registration is carried out through sporadic land registration.

⁵Sutedi, Adrian, (2011), *Sertipikat Hak Atas Tanah*, Jakarta: Sinar Grafika, p. 59.

⁶*Ibid.*, p. 60.

⁷Nadzir, Muhammad & Suwandi, 2017, "Kekuatan Pembuktian Surat Keterangan Tanah Sebagai Bukti Hak Kepemilikan Atas Tanah", in *Journal De Facto Post Graduated Master of Law Universitas Balikpapan*, Volume 4 No. 1, July, 2017, accessed on 01 December 2021, At 21.00 WIB. p. 50-51.

Sporadic land registration is carried out at the request of interested parties. Sporadic land registration can be done individually or in bulk.⁸

Customary land is land rights of customary law communities that have never been registered, which in several areas in Indonesia are known by various names. Meanwhile, *ulayat* rights are a series of rights and obligations of customary law communities related to lands that are included in the territorial environment. We are familiar with the transition process with customary law that usually occurs in the community. Transfer of rights subject to customary law, namely:⁹

- a. The transfer of rights must be cash and clear, meaning that the seller delivers the goods according to the agreed price and immediately receives the goods. The transfer must be carried out before an authorized official (usually before the Village Head or the Head of the Customary Law Guild) in the presence of several witnesses.
- b. There is a guarantee from the tribal chief/legal community/village so that the rights of the heirs, neighbors (Buren Recht) and fellow tribal members (Naastings Recht) are not violated if their land rights are to be transferred. If the transaction or transfer of land rights does not have support (guarantee) from the tribal/customary/village head, then the act is considered an illegal act, invalid and does not apply to third parties. In a right that has not been registered for the first time, both sporadically and systematically, which means that the land does not have evidence, but the transfer is carried out under the hands of the village head.

Customary land such as Customary Property Rights, although the conversion has occurred since the enactment of the Basic Agrarian Law, namely on September 24, 1960, at the time of registration it is necessary to validate the conversion. This means that after the enactment of the Basic Agrarian Law, there is no longer any land with Customary Ownership Rights, but it becomes proprietary land. Up to now, there have been registered customary land rights so that the owner has obtained a certificate, some have not been registered and the evidence is still in the form of a land tax certificate or letter C/D, therefore certificates are very important for the community as evidence.

In general, proof of customary land ownership is not written, only acknowledgments from the surrounding community with natural marking boundaries. Meanwhile, proof of ownership according to Dutch colonial law is in written forms such as detail and *girik* which are basically proof of payment of

⁸ Santoso, Urip, (2012), *Hukum Agraria Kajian Komprehensif*, Surabaya: Kencana Prenadamedia Group, p.306.

⁹Maulidi, Mohammad Jeffry, M. Arba and Kaharuddin, Op.Cit., p. 419.

land taxes. In juridical data collection activities, a distinction is made between proving new rights and old rights. New rights are rights to land that have just been granted or created since the enactment of the Basic Agrarian Law. Meanwhile, what is meant by old rights are land rights originating from the conversion of existing rights at the time the UUPA came into force and rights that have not been regulated are registered according to Government Regulation Number 10 of 1961 concerning Land Registration.¹⁰The right to customary land that complies with customary law has made a special stipulation, namely a Decree of the Minister of Home Affairs Number 26 of 1970, where changes in customary rights have no conversion limits due to considerations focused on the cost and design of procedures and ignorance of the community to legalize their land. Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) along with Government Regulation Number 24 of 1997 concerning Land Registration, does not provide an order regarding the registration of *ulayat* rights and this is not included in the group of objects for Land Registration. However, with Article 3 of the Basic Agrarian Law providing an acknowledgment of the existence of *ulayat* land,¹¹

From the initial research that the researchers did, it turns out that there are still many lands that are subject to customary law, including customary property rights registered at the Village Head Office, known as letter C/D and not yet or not registered at the Regency/City Land Office. The letter owned by the land owner is *Ketitir* or *Petuk*. The letters do not constitute strong evidence of entitlement. Lands that are still in the status of customary property rights that do not yet have a land certificate, then the guarantee of legal certainty over the land is not yet strong, especially in the area of the land concerned. This is because the measurement is carried out not for the purpose of legal certainty but for the basis of tax collection so of course the measurement is less accurate than the measurement for making land certificates.

Likewise, in Gubug District, Grobogan Regency, there are still many factors that make community members who do not or do not understand the meaning and function of land certificates as well as the procedures for obtaining such land certificates. Besides that, it is possible because of the high cost and length of the completion process. Therefore, most of the land status and the evidence still adhere to the old provisions at the /village office.

2. Research Methods

¹⁰Labi, Joshua Melvin Arung, Sri Susyanti Nur & Kahar Lahae, 2021, "Analisis Hukum Pendaftaran Tanah Sistematis Lengkap (PTSL) Terhadap Tanah Tongkonan", in *Mulawarman Law Review* Faculty of Law Universitas Mulawarman, Volume 6 Issue 1, June, 2021, accessed on 23 November 2021 At 14.00 WIB. p. 16.

¹¹ Ibid.

The research method used consists of the first approach method in this case using an empirical or sociological juridical approach, the two research specifications used are analytical descriptive research, the three data collection methods used in this study are primary and secondary data types and the last four The method of data analysis in this research is analytical descriptive by using also the qualitative analysis method in the researcher.

3. Results and Discussion

3.1. The process of implementing sporadic customary land registration in Gubug District, Grobogan Regency according to Government Regulation no. 24 of 1997

Land registration is intended to provide certainty of rights and legal protection for holders of land rights with proof of land certificates, as an instrument for structuring land control and ownership as well as a controlling instrument in the use and utilization of land. The registration of land rights is a guarantee from the state and an important instrument for the protection of land owners.¹²With a fairly large population, of course, sufficient land or land is needed to live. However, not many lands as residences have been certified as an effort to obtain legal force. It can be seen that there are approximately 25-45% of those who have land certificates, while the percentage who do not have land certificates is relatively large, namely 55-75%.¹³ With many village communities in Gubug District who still have not obtained a certificate due to economic factors, public awareness that does not understand the importance of certificates and the management process which is considered very difficult is important for the public's ignorance to certify their land.

Land registration in all regions of Indonesia, including in the Gubug District, Grobogan Regency, which is not carried out systematically, can be implemented sporadically, where the person concerned submits an application to the Head of the Grobogan Regency Land Office. With the application for land registration by the person concerned, it is submitted to the local Land Office and fills out the form provided by the Land Office. In submitting the application for land registration, the applicant must include written proof of land ownership, if written evidence is absent and incomplete,

For each registered right, a Land Book is made. Therefore, what is used is the Gronboek stelsel, which is a system for recording matters relating to the juridical aspect. This land book is in the form of an entry containing all information from the birth of the right to the expiration of the right. In addition, the rights that must be registered and recorded are rights in a broad sense, namely the right to

¹²Sutedi, Adrian, Op.cit, p. 59.

¹³ Interview with Kuspriyati as the Secretary of the Gubug District, 02 December 2021.

control over land as a concrete legal relationship.¹⁴The land book register consists of a bound collection of land books. The form of the land book and the method of filling it out shall be determined by statutory regulations. Land books are different from books in the sense of language. A soil book is a sheet of paper containing a table of entries and columns. One land book is only used to register one land right. Each land right that has been recorded is given a serial number according to the types of land rights that exist in the village/ concerned.

\Evidence is provided by a copy of the land book which is part of the temporary certificate. Whereas a temporary certificate has a function as a certificate, it means that if according to some provisions it is mandatory to show a certificate, then the temporary certificate can be used.¹⁵ The steps in the process of implementing sporadic land registration are as follows:

1. Organizing agency and implementing land registration

In accordance with the provisions of Article 19 of the Basic Agrarian Law, land registration is carried out by the National Land Agency and the task of carrying out the registration is carried out by the head of the land office in the regions. In carrying out land registration, the head of the land office is assisted by PPAT and other officials assigned to carry out certain activities according to Government Regulation Number 24 of 1997 and applicable laws and regulations. In carrying out systematic land registration, the head of the land office is assisted by an adjudication committee formed by the minister or appointed official. Meanwhile, sporadic land registration is carried out at the request of interested parties. Land registration is carried out by the Head of the Land Registration Office with the assistance of PPAT and other officials assigned to carry out certain activities. In this case the systematic land registration of the head of the land office is assisted by the Adjudication committee. The appointment of the Adjudication Committee to assist the Head of the Land Office in systematic land registration is intended so that the routine tasks of the land office heads are not disturbed, considering that systematic land registration activities are generally mass in nature.¹⁶

2. Implementation of land registration

According to Article 12 paragraph 1, it explains about land registration activities for the first time, including:

¹⁴ Justitia, Damsisik, "Cara Pendaftaran Tanah", <http://damsikjustitia.blogspot.co.id/2010/04/cara-pendaftaran-tanah.html/>, accessed on 04 December 2021 at 11.00 WIB.

¹⁵Ibid.

¹⁶ Muthi, Rouf Ibnu, "Pendaftaran & Peralihan Hak Atas Tanah", <http://roufibnumuthi.blogspot.co.id/2012/09/pendaftaran-dan-peralihan-hak-atas-tanah.html/>, accessed on 04 December 2021 at 10.00 WIB.

- a. physical data collection and processing,
 - b. proof of rights and bookkeeping,
 - c. certificate issuance,
 - d. presentation of physical data and juridical data,
 - e. storage of general lists and documents.
3. Land registration requirements

Requirements for land registration for applications are recommended to first conduct consultations with the Land Office or people who have carried out land registrations regarding what documents must be included when applying for registration, the aim is to facilitate land registration application activities in order to avoid unnecessary requirements. In terms of the requirements that must be met by the application for land registration in accordance with the rules of the Land Office, as follows:¹⁷

- a. Fill out the registration application form, which consists of:
 - (1). Application letter addressed to the Head of the Grobogan Regency Land Office (signed by the applicant/proxy).
 - (2). Certificate from the village head regarding the ownership of the land parcel owned by the applicant (signed by the village head).
 - (3). A statement that the parcel of land to be registered has no proof of title or certificate (signed by the applicant and the Village Head).
 - (4). Excerpt from the C Village Book List (signed by the Village Head).
 - (5). Minutes of Testimony of Ownership of a plot of land (signed by 2 witnesses, a Village Secretary and a Village Apparatus).
 - (6). Declaration of Physical Control of Land Sector (signed by applicant and 2 witnesses, Village Secretary and Village Apparatus).
 - (7). Statement Letter on Land Boundaries and Areas (signed by the Petitioner and affixed with stamp duty).
- b. Photocopy of the applicant's ID card legalized by the Village Head
- c. The original letter of proof of ownership of the land of *Girik / Petuk C / Letter C* containing the Persil Number / Peg Number, Class, Area of the plot of land.
- d. Proof of land ownership, including:

¹⁷ Interview with Muslani as Head of Selection for Right Determination and Registration, 06 December 2021.

- (1). If obtained from a grant / sale and purchase before 1997 attach a statement of grant / sale and purchase, if obtained after 1997 attach a Notary Deed
 - (2). If it is obtained from inheritance, then attach a certificate of inheritance and a statement of inheritance distribution.
- e. Power of Attorney, if the land application is authorized to PPAT
 - f. Fill in the Form 201 List of Contents (Minutes of Investigation of Land Sector History and Boundary Determination) which is filled out by the village party.

If the proof of ownership of a plot of land as referred to above is incomplete or non-existent, then proof of ownership of the plot of land can be done with other evidence that is accompanied by the relevant statement and reliable information from at least 2 (two) witnesses from the environment who has no family relationship with the person concerned up to the second degree in both vertical and horizontal kinship, which states that the person concerned is the true owner of the plot of land.

In terms of evidence regarding land ownership as referred to in paragraphs (1) and (2) Article 23 PP no. 24 of 1997 does not exist, then the application must be accompanied by:

- a) A statement letter from the application stating the following:
 - (1). that the applicant has actually controlled the land in question for 20 years or more in a row or has obtained such control from another party or parties who have controlled it. So that the tenure of the applicant and his predecessors amounted to 20 years or more;
 - (2). that the control of the land has been carried out in good faith;
 - (3). that the control has never been contested and is therefore considered recognized and justified by the customary law community or the village/ concerned;
 - (4). that the land is not currently in dispute;
 - (5). that if the statement contains things that are not in accordance with reality, the signatory is willing to be prosecuted before a criminal or civil trial for providing information/for the false testimony given.

- b) Information from the Village Head and at least 2 (two) witnesses whose testimonies can be trusted, because of their function as local traditional elders and/or residents who have long lived in the village/ where the land in question does not have a family relationship with the applicant up to the second degree in both vertical and horizontal kinship, which justifies what is stated by the applicant in the official statement letter.

4. Land registration procedure

The community, especially the village, especially in the Gubug sub-district, must carry out land registration procedures in accordance with PP No. 24 of 1997 concerning Land Registration, includes the following:¹⁸

- (a). The owner or heirs or buyer of the land submits an application to the Head of the Land Office according to the location of the land through the counter by filling out the form.
- (b). Pay fees, including:
 - 1. Measurement and mapping.
 - 2. Land inspection (a fee that has been determined by the Land Office).
- (c). Examination of physical data includes the determination and installation of boundary markings, measurements and mapping by appointed officers.
- (d). Research on juridical data on land parcels, if the written evidence is incomplete, then the research by Committee A in charge is as follows:
 - (1). Examining the juridical data on land parcels for those who are not equipped with written evidence regarding complete land ownership.
 - (2). Inspect the report to determine the correctness of the evidence submitted by the applicant.

¹⁸ Interview with Muslani as Head of Selection for Right Determination and Registration, 06 December 2021.

- (3). Recording objections or objections and the results of their resolution.
 - (4). Make conclusions regarding the juridical data of the land parcel in question.
 - (e). The list of juridical data and physical data of land parcels and maps of the relevant land parcels shall be announced at the Land Office and Village/ office where the land is located for sixty (60) consecutive days.
 - (f). After the announcement period ends and no party raises objections to the contents of the announcement, the physical data and juridical data announced are then ratified by the Land Office in an official report.
 - (g). Furthermore, the registration of the book of rights to the land in question is carried out, then the certificate of ownership of the land in question is issued.
5. The process of sporadic customary land registration procedures in the village of Gubug District

In terms of the requirements that must be met by the application for land registration in accordance with the rules of the Village Head, as follows:

- (1). A photocopy of the applicant's Identity Card and Family Card which must be legalized by the Village/ Head aims to avoid fraud in identity falsification.
- (2). Photocopy of the tax notification letter owed by the applicant's land and buildings and must be legalized by the Village/ Head.
- (3). Then after these conditions are complete, the Village/ Head makes a proof of land ownership in the form of letter C and letter D in which the applicant must fill out the form provided in the form of the application for recognition of rights by the Village/ Head.
- (4). Then letter C and letter D are written in a ledger containing a list of land in the village area which is only controlled by the head/sub-district concerned. Documents letter C and letter D are confidential documents that no one can use or view.
- (5). Letter C and letter D must be legalized by the Village/ Head containing the type of land, letter C book number, parcel number, class, area, information and name of the land owner based on what is in the letter C book.

- (6). The applicant must fill out a statement letter for physical control of the parcel of land containing the identity of the applicant such as an ID card, include land boundaries such as land boundaries to the north, east, south and west, and must include an official report on the testimony of the land parcel must be signed by the applicant must include witnesses as many as two witnesses along with the witness's signature and include a stamp duty of IDR 10,000,-.
- (7). A statement that the land requested is not in dispute or has never been transferred to another party. Contains information on land history in the form of land rights before 1960 and after 1960 in the form of land location, land boundaries, land area and type of land. Then this statement letter is made by the Village/ Head along with his signature.
- (8). Then the next step the applicant can submit the registration process through the Land Office or the PPAT.

3.2. Obstacles that occur in the implementation of sporadic customary land registration in Gubug District, Grobogan Regency

In the implementation of land registration, it cannot be separated from the participation of the community as the holder of land rights. However, the community also experienced obstacles so that the task of implementing land registration did not run with the intended goals and expectations.

The following are the obstacles that occur in the implementation of sporadic customary land registration in Gubug District, Grobogan Regency, as follows :

- a. The perceived cost of carrying out land registration is too high so that the village community, especially in the Gubug District, who are less well off, are reluctant to certify their land.
- b. In this case, they assume that by only having a tax receipt, a person's right to his land can be used as strong evidence in the village.
- c. The majority of the community's education level is still relatively low, so they do not know and realize the importance and benefits of certifying their land.
- d. There are financing activities in Standard Operating Regulations and Services for which there are no clear legal rules.
- e. The village community in the Gubug sub-district feels that managing land registration is a complicated and time-consuming process that makes people lazy to take care of it.
- f. In the process of buying and selling customary land, many village communities have not changed their names.

- g. With the current situation, land owners feel that they have received legal protection because apart from being recognized by the government (through PBB payments), their rights are also recognized by the Village Head and local customary communities.
- h. The community assumes that inherited land should not be changed in status, so that it is left as usual and there is no need to change names.
- i. According to the community, they still think that land is not an object that has economic value for them but is more likely to have religious magical value.
- j. The process of changing the name of the inherited land is very difficult because the heirs reside in each area, so things are left as they are.

Obstacles also often occur at the Grobogan Regency Land Office in carrying out the land registration process, such as: first, related to public awareness in terms of limited knowledge of the land registration procedure which is felt to be too complicated and through a process that is difficult to understand from within the community itself, the character of the community who feels have no interest in the land they own so that the community has no interest in the certificate. The two computerized systems that are not perfect in optimizing the implementation of land registration activities use computerized technology, with the program from the computerized registration system at the Grobogan Regency Land Office not being widely understood by all parties, so that in the event of an error/damage, it will face obstacles and affect the implementation of work activities. Third, the lack of operational technical personnel in measurement and mapping activities at the Grobogan Regency Land Office already has sufficient operational technical equipment, but there is still a shortage of personnel in GPS measurement activities due to the limited number of employees at the Grobogan Regency Land Office who specifically handle problems this and the limitations of facilities and infrastructure such as operational vehicles, office buildings (workplace space and document storage space), computer registration maps and others.

From the description and information obtained in Gubug District, the researchers can analyze as follows:

- a) Village community awareness, especially in Gubug District regarding the benefits and importance of land certificates

In general, there are still many who do not understand the function and use of certificates so that public knowledge is still limited to the land registration procedure which is felt to be too complicated and through a process that is difficult to understand. This is due to the lack of accurate information about land registration by the community. Due to the lack of accurate and easy-to-understand information about land registration, it affects people's awareness to

register their land. If there is a need to apply for a loan at the bank as collateral for the provision of credit which will be used as the object of the mortgage.

b) The Expensive Cost of Land Certificates

The high cost of land certificates is felt by the village community, especially in the Gubug sub-district, because most of the majority of the community's population make a living as farmers or farm laborers. Therefore, this is one of the reasons why many Gubug sub-districts have not been certified. The costs referred to above include the cost of measurement, land registration, inspection by committee A and others. People who want to get land certificates feel the very high cost of making certificates and too many procedures in making certificates that they have to do and there are still many people who are looking for profit in making certificates.

Thus, considering these conditions, in terms of administering a certificate, it must be in accordance with a simple principle because with this simple principle, all interested people, especially the holders of land rights, can quickly get their rights as is the case in the management of certificates. In addition, so that land rights holders easily understand the existing provisions regarding land registration procedures without being complicated and having to spend a lot of money. Therefore, people prefer programs from the government, namely PTSL (Complete Systematic Land Registration) because to further reduce costs in land certificates.

c) Community obligations related to taxes in land registration activities

There is a policy from the Government which is regulated in Act No. 21 of 1997 in conjunction with Act No. 20 of 2000 concerning BPHTB (Tax for Acquisition of Land and Building Rights) with the determination that if the Acquired Value of Land Objects is greater then it will be subject to tax, on the other hand if the Acquired Value of Land Objects is less then it is not subject to tax. According to Law Number 2 of 1985 concerning Land and Building Taxes, those who are subject to tax are persons or legal entities that actually have a right to the land and or obtain benefits over the land and or own, control or obtain land and land benefits. People often assume that if they register land or transfer land rights before PPAT officials or at the local Land Office, they have to pay expensive taxes on the transferred land, so they feel reluctant and even tend to ignore the problem of land registration. They prefer not to have a land certificate or a deed of sale rather than having to pay taxes which they think are quite expensive.

d) Duration of Certificate Making

Village communities, especially in the Gubug sub-district, think that taking care of land rights certificates takes quite a long time. In this case, the minimum period for making a certificate is 3 or 4 months and a maximum of 8 months and some even take up to 1 year to complete. The long process of making land certificates for the community has resulted in some people not wanting to take care of them anymore. This action is because the majority of the community's education level is relatively low, so they do not know and realize the importance and benefits of land certificates. Therefore, the community considers that by having a tax guide, their land rights can be used as strong evidence in the village. Village communities, especially in the Gubug District, think that the basis for their land rights is very strong

This often occurs when there is a lack of knowledge of the function and use of certificates, most of them assume that the evidence they have so far, such as a certificate from the sub-district head/village head, or without written evidence or lands that have been registered means that the land already has a letter as long as it is related made with government agencies but the community around the land admits it is a strong proof of rights. Moreover, for land obtained from inheritance, generally community members know the history of the owner of the land so that this belief will be stronger. Even though all land owned by the community today has been determined by land and building tax (PBB) in the context of fulfilling and increasing state income.

e) There is a dispute between the landowners

There are also many disputes between landowners, both regarding boundaries and between heirs, where there is a lot of land that has not been distributed by the parents, resulting in a struggle over the heirs and the existence of land that has been sold has not yet been made a sale and purchase certificate, resulting in mutual claims.

This involves some people as ordinary victims due to their ignorance of positive law, but in reality many people in rural areas and not even a few urban people have mastered land for generations but do not get legal certainty over their lands.¹⁹

Land issues that come to the surface, not only require a resolution of conflicts and disputes that are able to provide justice to victims and other parties, but a very basic problem is the proof of ownership of Land Rights which provides legal certainty. The background of the emergence of land conflicts is caused by the absence of legal certainty over the product of the certificate of land rights itself.

¹⁹Handoko, Widhi, (2014), *Kebijakan Hukum Pertanahan Sebuah Refleksi Keadilan Hukum Progresif*, Yogyakarta: Thafa Media, p. 8-9.

Land certificates are strong evidence, but the government or the state does not guarantee legal certainty. So that many disputes and land conflicts have sprung up, empirically it can be seen from social relations, religion, community sustainability as well as self-esteem and human dignity (Human Dignity).

Another problem related to land registration behavior is the existence of unofficial fees in the management of land rights registration such as fees outside the state regulations for land certificates, other costs are unofficial fees, namely extortion or *nosy* (illegal fees/money payments). The extortion money is the cost of accelerating the checking of certificates, the cost of accelerating the registration of mortgage rights, the cost of accelerating *roya*, the cost of accelerating the transfer of a grant or inheritance name, the measuring officer's pocket money, the cost of accelerating the measurement and making of situation drawings, the cost of accelerating to committee A or the conversion committee for the certificate state lands and customary lands with the status of a letter D or letter C Desa (*pethuk* tax).²⁰

The above fact raises the issue of justice for victims and legal certainty for the parties, resulting in various negative consequences (multi-flyer effect), including social inequality, poverty and other social injustices. The conflict was caused by the choice of using a negative publicity system (positive elements) as a part of the land law policy in the bureaucratic system and public services of the National Defense Agency.²¹

3.3. Efforts to overcome existing obstacles in the implementation of sporadic land registration in Gubug District, Grobogan Regency

Regarding the implementation of the registration of the transfer of ownership rights, there are still many people who register through the village head. The framework for implementing the law is related to the achievement of the objectives of the use, control, ownership and utilization of Land Rights, these values give birth to basic principles that can be stated in laws and regulations and government policies. The basic principles in the use, control, ownership and utilization of Land Rights, among others:²²

- a. Belief is a principle that comes from religious teachings adopted by each Indonesian citizen.
- b. Balance is a principle that pays attention to the interpersonal relationship of the owner or the use of land with other parties or the public interest with the State.

²⁰Ibid., p.10-12.

²¹Ibid., p. 12-13.

²²Ibid., p. 305-306.

c. Maintain and improve soil quality.

Where the implementation of Land Registration cannot be separated from the function of measurement and mapping whose purpose is to produce a measuring letter which will become a complete certificate of proof of land rights. Therefore, to overcome the obstacles that occur in the implementation of sporadic customary land registration in Gubug District, the following are carried out:

a. Village community awareness regarding the benefits and importance of land certificates

Efforts to overcome obstacles that occur in the implementation of land registration by means of the Village Head and his staff providing information, understanding and socialization related to good land registration procedures in accordance with statutory regulations, the aim is that the village community, especially in the Gubug District, can gain strength the law of proof of ownership of the land certificate and then the Land Office participates in providing information and socialization related to land registration and land registration fees so that the local village community gets a certificate as a strong legal basis for proof of ownership.

b. The high cost of land certificates

Efforts to overcome the high cost of land certificates for the community, especially villages whose economies are weak, it is advisable to take part in the government's free certificate, the PTSL program (Complete Systematic Land Registration).²³ If the village community, especially in the Gubug sub-district, has enough money to register land, they can immediately make a certificate to the Notary-PPAT or the Land Office²⁴.

c. Village Communities, especially in the Gubug District, are involved in land registration activities

²³ PTSL is a land registration process for the first time, which is carried out simultaneously and includes all land registration objects that have not been registered in a village or sub-district area or other names of the same level. Through this program, the government guarantees legal certainty or rights to land owned by the community.

²⁴ Deen, Thaufiq., Ong Argo Victoria & Sumain. (2018). *Public Notary Services In Malaysia*. *JURNAL AKTA*: Vol. 5, No. 4, 1017-1026. Retrieved from <http://jurnal.unissula.ac.id/index.php/akta/article/view/4135>, see to Ong Argo Victoria, Ade Riusma Ariyana, Devina Arifani. (2020). *Code of Ethics and Position of Notary in Indonesia*. Sultan Agung Notary Law Review 2 (4), 397-407, <http://lppm-unissula.com/jurnal.unissula.ac.id/index.php/SANLaR/article/view/13536>

So that the government seeks to minimize the amount of obligations that must be paid by only charging the price of land for the determination of the NJOP.

d. How long does the certificate take?

The length of time for making land certificates is due to community factors, some of which are relatively low in education and understanding of the time period for making certificates, so the right way to overcome obstacles that occur in the implementation of land registration is to provide information and directive solutions related to the time period for making certificates and get legal certainty in proving strong land certificate.

e. The people of the Gubug sub-district think that the basis for their land rights is very strong

In this case, there are still many who think that the basis for their land rights is very strong because they do not understand and understand the function of the certificate, which still uses strong evidence from the Camat or Village Head. Therefore, researchers provide a solution so that they immediately register their land to get strong legal certainty from the applicable legislation²⁵.

f. The efforts of the National Land Agency in providing understanding to the community, especially in the Gubug District regarding the function of land certificates

In this case, the National Land Office provides counseling/socialization to the community, especially in the Gubug District regarding the importance of land certificates. Where the land certificate as proof of rights as regulated in article 19 paragraph 2 letter c of the Basic Agrarian Law.

4. Conclusion

Based on the descriptions of legal writing explanations that the authors have put forward and based on theories and research sources, it can be concluded as follows: first, the process of implementing sporadic land registration must meet several requirements such as registration forms such as application letters that addressed to the Head of the Land Office, certificate of ownership of land parcels, excerpts from the list of Village C books, minutes of testimony of

²⁵ Chuasanga A., Ong Argo Victoria. (2019). *Legal Principles Under Criminal Law in Indonesia and Thailand*, Jurnal Daulat Hukum, Vol 2, No 1 (2019) <http://jurnal.unissula.ac.id/index.php/RH/article/view/4218> , see to Yaya Kareng, Ong Argo Victoria, R. Juli Moertiyono. (2019). How Notary's Service in Thailand. Sultan Agung Notary Law Review, 1 (1), 46-56, <http://jurnal.unissula.ac.id/index.php/SANLaR/article/view/4435>

ownership of land parcels, letter of physical control over land parcels, statement letter on the boundaries and area of land which must be signed and legalized by the Village/ Head. Photocopy of the Applicant's KTP and proof of land ownership letter C containing the Persil Number/Patak Number, Class, Area of the land parcel and must be legalized. Fill in the form of List of 201 (Minutes of Investigation of Land Sector History and Determination of Boundaries) which is filled out by the village party, while the sporadic registration of customary land in the Gubug District still uses the PBB SPPT as legal force in the village, then how to register land in the village using SPPT PBB and KTP legalized by the Village/ Head. After that, the Village/ Head makes a letter of proof of land ownership in the form of letter C and the next step can be registered with the Land Office or PPAT. The two obstacles that occur are caused by several factors such as the lack of public awareness regarding the benefits and importance of certificates, certificate fees are too expensive, taxes are too high, lazy to take care of certificates because the procedure process is very complicated.

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