

Legal Analysis of Mastery and Ownership of Land Rights Arise in Rembang Regency

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Abstract. *This study aims to determine the mechanism for acquiring land rights to land in Rembang, Pasar Baggi Village, and how the law is enforced over the ownership of the emerging land. The research method used is sociological juridical research, namely a legal research carried out by looking at aspects of the application of the law itself in society, or a study of community behavior that arises as a result of interacting with the existing system of norms. This research uses an empirical approach and a statutory approach. Research data used in this study are primary data and secondary data. The data collection technique is by conducting direct interviews with sources in the field and document studies. The results of this study indicate that the mechanism for obtaining land rights arising in Rembang Regency is still based on local customary law/customs. This is proven because there are no people who have permission directly from the authorized government apparatus, namely the Rembang District Land Office. According to legal provisions in a formal juridical manner, in principle, the steps that must be taken to obtain land rights are the same as applications for state land rights in general, but for land arising on the coast, you must see regulations relating to land tenure in coastal areas and spatial plans. So far the Rembang Regency Land Office has not conducted an inventory of emerging land as mandated in the Circular of the Minister of Agrarian Affairs/Head of National Land Agency Number 410-1923 concerning Controlling the Status of Emerging Land and Reclamation. Meanwhile, the people who control the emerging land have not yet reported the emerging land they control. This shows that the government and the local community have not fully implemented the applicable laws and regulations, so that it can be said that the law enforcement of emerging land tenure in Rembang Regency has not run optimally.*

Keywords: Acquisition; Agrarian; Land.

1. Introduction

Land governed by agrarian law is not land in its various aspects, but land from a juridical aspect, that is directly related to land rights which are part of the earth's surface. Article 4 paragraph (2) of the Basic Agrarian Law determines the land rights that are given to the right holders, namely only limited to giving authority to use the land in question and everything on it for direct interests related to land use within the limits of limits set by UUPA and other higher legal regulations.¹

Article 33 paragraph (3) of the 1945 Constitution states:

"Earth, water, and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people".

This implies that in the framework of the welfare and prosperity of the Indonesian people, the state as the highest organization of the Indonesian people controls the principles of people's prosperity in the form of earth, water and natural wealth contained therein and is used to achieve the greatest possible prosperity of the people, in the sense of happiness, prosperity and independence in society and the legal state of Indonesia which is independent, sovereign, just and prosperous.²

The history of land registration starts from the period before the issuance of the 1837 *staatblad*, namely the *De Chaotische* period (the period of chaos), the period of government surveyors, namely the period of the *Van Den Gouvernements Landmeter* (between 1837 and 1857), the period of the land registration service, namely the period of the *van de kadastral dienst* (after 1875), until now it gives an illustration that the land registration system is very important to be formulated wisely and prudently, in accordance with the vision and mission of land registration, while still prioritizing legal principles and principles in the land registration system, in a land law policy that prioritizes the interests of Rakyat, in accordance with the objectives of the State of Indonesia, namely for the welfare and prosperity of the Indonesian people as stated in Article 33 of the 1945 NKRI Constitution.³

The need for control over land (land) is increasing along with the rapid population growth. Currently, the arrangement of land is not balanced with the area of land

¹Jeslin Eka Putri, *Legal Certainty Letter C Village as the Basis for the Right to Issuance of Complete Systematic Land Registration Certificates (Study of Implementation of Ptsl in Harjosari Village, Semarang Regency)*, 2018, Thesis, Faculty of Law, Semarang State University, p. 1.

²Setiabudi, Jayadi, 2012, *Procedures for Managing Land, Houses and All Permits*, Jakarta: Love Books, p. 5-6.

³Widhi Handoko, *Land Law Policy a reflection of progressive legal justice*, Yogyakarta, thafa media, 2014, page 291.

or land available, so that the supply of land or land is getting narrower and eventhe more reduce. Reduced land due to the need for land which increases every year will encourage people to open up new land, including in coastal areas.

In Rembang Regency is located in Central Java Province which is bordered by Rembang Bay (Java Sea) in the north, Tuban Regency (East Java) in the east, Blora Regency in the south, and Pati Regency in the west. Geographically it is located at the northeastern tip of the ProvinceJavaCentral and passed by the Java North Coast Road (Pantura Line), on the coordinate lines 111o 00' – 111o 30' East Longitude and 6o 30' – 7o 6' South Latitude. Rembang Regency is directly adjacent to the province of East Java, so that it becomes the eastern gate of Central Java Province. Of the total area of Rembang Regency, part of it is a coastal area with an area of 355.95 km².⁴

In several places in Rembang Regency, the emergence of new land or new land along the coast mostly occurs naturally. HappeningThis new land previously started from the lands on the coast that went down to the middle of the sea, and as a result of this natural process then formed islands or lands from the middle of the sea which were brought from the headwaters of the river and then thrown back to the beach.⁵The longer the soil that has been in the form of mud, the process of sedimentation then settles and forms new land on the beach. Apart from being on the beach, new land that is formed naturally also occurs on the riverbanks in Rembang Regency. This land occurs due to the erosion of tons of soil which is washed away by rainwater which heads into large rivers where some of the washed away soil will settle along the river, this happens continuously for a very long time and sometimes makes the river channel bend. The land that settles and forms new land is then in some areas called arising land (aanslibbing).

So far, land tenure has emerged in several areas of Rembang Regency, which tends to increase. This is because the more time goes by, the greater the economic value of land arises. Seeing the potential for this new land to be promising, the community then flocked to control the emerging land, this then created its own problems in the community.

The appearance of land arising (aanslibbing) on the beach and on the banks of the river can lead to mutual claims of land ownership status by the local community. The unclear status of ownership of emerging land occurs because some people in controlling the land do not have a legal basis of rights in the form

⁴<https://rembangkab.go.id/geographic/>

⁵Suhanan Yosua, Land rights arise (aansbling) in the Land Law System, (Jakarta: Restu Agung, 2010), p. 1.

of a certificate because it has never been registered, so that their ownership does not get certainty and legal protection.⁶

The phenomenon found in the field is that claims of ownership and control by the community whose land is directly adjacent to the arising land, consider that the land is still part of their land and also feel themselves as entitled as heirs, this refers to the habits that live in the local community, because the community considers that emerging land is land that can automatically be controlled because it is a hereditary inheritance.

Government Regulation Number 16 of 2004 concerning Land Use Management, as well as Circular of the Minister of Agrarian Affairs/National Land Agency, Number: 410-1293 of 1996 stipulates that emerging land, both naturally occurring and reclaimed, is land directly controlled by the state. The meaning of the right to control the state implies a demand for collective rights or joint rights in the use of land for individuals, communities and the state to realize the greatest prosperity of the people.⁷ So that when the state does not need the land for the public interest, the community is even obliged to use the land. In the Basic Agrarian Law Article 2 paragraph (2) of Act No. 5 of 1960 concerning Basic Agrarian Regulations. gives the sense that being controlled does not mean being owned, but is the understanding of giving authority to the state, as the power organization of the Indonesian nation, for the highest level:

1. Regulate and administer the designation, use, stockmaintenance of earth, water and space.
2. Determine and regulate legal relations between people and earth, water and space.
3. Determine and regulate legal relations between people and legal actions regarding earth, water and space

In line with what has been described above, given that there are still many people who depend on land for their lives by making emergent land automatically their own land, it is very interesting to study the control and ownership of emerging land, especially in terms of the legal system in Indonesia, how is enforcement the law, as well as the mechanism for acquiring land rights

⁶Rofi Wahanisa And Arif Hidayat, Land Acquisition Arises (Aanslibbing) As a Basis for Obtaining Property Rights Over Land, *Journal of Pandecta*, Volume. III. No.1, January-June, (2009), p.2

⁷Winahyu Erwiningsih, *The state's right to control land*, first printing (Yogyakarta: Indonesian Islamic University, 2009), p. 104.

to the arising land. Therefore, it will research and study about how to implement, obstacles, and efforts to resolve if problems occur.

2. Research Methods

This study uses a juridical-sociological approach, using descriptive analysis research specifications, while the type of research data includes legal materials primary, secondary legal materials, and tertiary legal materials. The analytical method used in this study is a qualitative analysis method, because this research is aimed at examining the quality of a legal norm, so it is classified as a qualitative method.

3. Results and Discussion

3.1 Mechanism of Acquisition of Tenure over Land Rights to Arise Land in Rembang Regency

Based on the results of research in the northern coastal area of Rembang, Pasar Banggi Village, Rembang, the process of emerging land in Rembang Regency, where land emerged as a new natural resource for local residents, was caused by two factors. The first factor and is the most dominant cause is natural factors, and the second factor which is a supporting factor is the factor of human actions.

Natural factors have a very large influence on the occurrence of arising land on the north coast of Rembang. This is because the flow carries a load of water in the form of silt and sand to the downstream coast continuously every year. These silt and sand deposits originate from the erosion of the soil along the shoreline which is not embanked. These silt and sand deposits are on the right and left or south and north. The more water flows that carry loads in the form of silt and sand, the more the silt accumulates on the beach. This natural process has been repeated for many years and in the end it has taken a long time to form new land which the local people call as arising land.

The second factor is human action. Based on the results of an interview with Ms. Tarni as the Head of Subsidy for the Granting of Rights to Government Agencies/First Land Administration, it was stated that this factor is a factor that supports natural processes in the formation of emergent land, because human actions can accelerate the occurrence of emergent land by making efforts both in real terms and in practice. spiritual according to the beliefs of the local community.⁸For village people who are aware of the existence of raised land and

⁸Results of an interview with Tarni as the Head of Subsidy for Granting Rights to the First Government Agency/Land Administration Agency at the Land Office of Rembang Regency. On March 13, 2023 at 10.00 WIB

are interested in cultivating raised land, these residents carry out an activity called "matteppo". This is an effort carried out by the prospective tenants of the raised land who will try to ensure that the emerging land is not lost by the influence of sea waves.

The action taken by the prospective cultivators is to hold back the waves of sea water by placing sacks filled with soil arranged in such a way that it functions to hold back the waves of sea water. Another effort of the local residents is to plant and rehabilitate mangroves around the emerging land that they control as a barrier and breakwater so that it supports faster silt deposition. The two factors that cause the emergence of emergent land above mutually support one another, natural factors and the human factor itself cannot be separated separately because one factor with the other factors are complementary in nature so that raised land is formed which has economic value to be utilized and become source of income for local residents.⁹

Residents who live in Pasar Baggi village call new land which is the result of deposition or sedimentation process with the term arising land. The mention of emerging land is still general in nature because it can still be distinguished according to the location of the arising land in question, namely emerging land located on the banks of the river and emerging land located on the beach.

The raised land which is located on the beach, the local people call it "tuo" land. The new land which is the result of deposition or sedimentation processes that are mostly found in Pasar Baggi village is the arising land which is located along the coast or coastal areas and the local residents are more familiar with calling it the arising land and will hereinafter be referred to as the arising land.

The people of Pasar Baggi village in general view that opening up new land is one of the ways in which mastery over a piece of land is born, that is, if an empty land without an owner is cultivated and worked on, the land will later become his property and will automatically be controlled directly.

3.2 The Mechanism for Obtaining Tenure over Land Rights Arises in Rembang Regency

The people of Pasar Baggi Village, in general, view that the opening of new land is one of the ways in which mastery over a piece of land is born, that is, if an empty land without an owner is cultivated and worked on, the land will later become his property and will automatically be controlled directly. Until now, land tenure by the community is still in the form of direct control according to

⁹Ibid

the customary law of the local community.¹⁰

Ownership and use of land arises at this time initially based on verbal acknowledgment from local residents and sub-districts, usually this oral acknowledgment arises due to living witnesses who witnessed the person who controlled the emerging land directly open the land. If it has gone through generations, in this case the person who cleared the land has passed away, then oral confessions usually arise due to inheritance, leasing or through a buying and selling system.¹¹

The use of emerging land which has been going on for a long time and has been controlled for generations has resulted in almost some of the emerging land having changed hands either through inheritance, leasing or buying and selling. Transfer of hands of land control through inheritance is generally carried out directly, that is, when the owner is no longer able or has died, it is taken over directly by his descendants, while the transfer of control through leasing and buying and selling is usually through written evidence witnessed by the local Lurah or witnesses who has been appointed by both parties.¹²

So far, land ownership has arisen which has been controlled for generations and for quite a long period of time the majority has changed hands through buying and selling. Buying and selling occurs where a party who has the authority to control and utilize land arises by transferring this authority to another party by paying a certain amount of money.

In general, in Pasar Baggi Village, priority is given to residents who own land adjacent to the arising land. If they don't want it, the authority can be given to someone else. The conditions for the other person to have the authority to control and utilize the arising land are as follows:¹³

- 1) Local villagers, or;
- 2) Local community members who do not have arable land, or;
- 3) Local residents who already have arable land but are still able to manage the raised land.

¹⁰Results of Interview with Mashudi Community Leader of Pasar Baggi Village, Kab. Rembang On March 12, 2023 at 10.00 WIB

¹¹Ibid

¹²Ibid

¹³Ibid

Residents who have land directly adjacent to the arising land can use their priority rights to utilize the arising land, while the first step that must be taken is¹⁴

1) Convey his intention to the residents who own the land adjacent to it. The purpose of this notification is intended so that both parties know clearly the boundaries of the land which is part of their land, so that in the future it does not become a dispute or dispute between the two bordering parties.

2) After a few days no other party objected, he began clearing the land by marking boundaries, such as sticking bamboo or wood into the four corners of the raised land he was going to work on, namely by pulling straight from the plot of land he had previously owned, either from the right and left sides of the land parcel boundary.

3) Installing sacks containing soil arranged in such a way in the area adjacent to the sea so that it functions to hold back waves of sea water. Other efforts can be carried out by planting and rehabilitating mangroves around the emerging land which they control as a barrier and breakwater so that it supports the rapid deposition of mud.

4) Report to the hamlet head to be forwarded to the local village head to obtain a permit to work on it. Residents who have been given permission to work on it by the village government are required to deposit a certain amount of money into the village treasury, the amount of compensation money is determined in a village meeting. Furthermore, the arising land must be processed and put to good use.

According to Mashudi, a community leader in Pasar Baggi Village, until now the form of land tenure arising based on the above mechanism has been mostly obeyed by residents but few have reported it, because they think that the form of tenure that has been carried out so far has not cost much and has never caused conflict. Local cultural factors also influence residents' obedience to these customary laws, because local residents still uphold the siri' culture with regard to mastery over something that is not their right.

There is no difference in the status of newly emerging land or those that have been occupied by residents for a long time. Residents who control the land already consider the land to be theirs and when a party is about to take over, the residents will automatically make efforts to defend what they own.

¹⁴Ibid

Separately, Syamsyudin said that the activities carried out by the residents who controlled the emerging land were only utilization in nature, not ownership because the land was state land, not all of the community members who controlled the emerging land reported the land they controlled to village officials to obtain cultivation permits. So, the status of land tenure arising by local residents is only direct management according to community habits. Until now the village government has also never handled problems arising from disputes related to emerging tenure status.¹⁵

Land tenure arises in this way so far it still exists and is still obeyed by local residents even though these rules are not contained in statutory regulations. Ignorance of residents regarding land management arises based on statutory regulations, which is one of the reasons local residents apply their customary laws.

3.3 Based on the Formal Juridical Mechanism

As previously explained, land tenure arises in Pasar Baggi Village, Rembang Regency, which is still based on customary law that applies in the local community. However, this form of control is faced with legal provisions in a formal juridical manner, where land arises as state land, which the state must ask for rights if it wants to control it.

In principle, applications for land rights arising as state land are submitted to the Land Office whose jurisdiction covers the location of the land. The land acquisition system can be obtained by applying for new rights, in which the party wishing to acquire state land must previously submit an application to the state by applying for land rights.

In contrast to applications for state land rights in general, the raised land in Dusun Kota is located on a riverbank, so you must first meet the permit requirements from the local government, because the raised land is located in a border area which is a protected area in a river area. . As long as there is no such recommendation, the application for arising land rights cannot be processed at the land office.

Efforts to apply for land rights arising must be accompanied by administrative requirements, namely a statement from the village/kelurahan and a testimony from the lurah/village head. Apart from that, especially for arising land located in

¹⁵Ibid

coastal areas, a license from the Maritime Affairs and Fisheries Service is also required.¹⁶

A certificate and testimony letter from the village is an indication of the existence of physical control by the community, while a permit or recommendation from the marine and fisheries service is needed to find out whether the emerging land is interfering with waterways or not. Administrative requirements in the form of certificates and testimonies submitted by the land office are conditions stipulated in Article 24 Paragraph (2) of Government Regulation number 24 of 1997 concerning land registration and Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning implementing regulations.¹⁷

In addition to what was stated by the Land Office, the rules requiring that it is necessary to obtain a recommendation or permission from the government before applying for land rights arising in coastal areas can be seen in Article 6 paragraph (2) of the Regulation of the State Minister for Agrarian Affairs/Head of the National Land Agency number 17 of 2016 concerning Land Arrangement in Coastal Areas and Small Islands, which states that:

- 1) The granting of land rights in coastal areas must also comply with the requirements for their designation in accordance with provincial/regency/city spatial planning plans or coastal zone zoning plans;
- 2) Obtain a recommendation from the provincial/regency/city government in the event that land use has not been regulated in the RT/RW;
- 3) Meet the licensing requirements of the relevant agencies.

Article 15 of the regulation also explains that emerging land with an area of more than 100 m² can be granted land rights with the condition that control and ownership of emerging land must obtain a recommendation from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency and its use and utilization is in accordance with the directions for its designation. in provincial/district/city RT/RW plans or zoning plans for coastal areas and small islands.

For young sedimentary soil, i.e. raised land where the sediment is still new and has not hardened so that the distance from the highest tide is less than 100

¹⁶Results of an interview with Tarni as the Head of Subsidy for Granting Rights to the First Government Agency/Land Administration Agency at the Land Office of Rembang Regency. On March 13, 2023 at 10.00 WIB

¹⁷Ibid

meters cannot be granted ownership rights over the land. Regarding the type of rights granted to young sediment-emerging land, it refers to Article 16 of Act No. 1 of 2014 concerning the management of coastal areas and small islands which states that, every person who makes use of space, from part of the coastal waters and utilization of part of the islands a small island permanently obliged to have a location permit. The location permit referred to is the basis for granting management permits

Based on the description above, this is what later becomes the guideline for the Rembang Regency Land Office to process applications for tenure rights or ownership of emerging land located on the coast of Rembang Regency. Land rights that are more than 100 meters from the coastal line can be applied for rights of ownership or ownership from the Land Office in accordance with the provisions for applications for state land rights in general as stipulated in the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 9 of 1999. Applications for land rights arising land can be done with the following procedure:

- a. Submission of a written application to the Head of the Rembang Regency Land Office
- b. Attach documents including photocopies of KTP, statement of physical land ownership, land certificate (SKT) from the village head or lurah known by the sub-district head, photocopy of the last year's SPPT PBB, proof of land tenure, permit from the relevant agency.
- c. Pay the application fee
- d. Received the Decree on the Granting of Property Rights over State Land.

The granting of state land rights is through a Decree on the Granting of Land and Building Rights (SKPH) from the authorized official, namely the National Land Agency. The SKPH is then registered at the District/City Land Office to issue a certificate of land rights.

3.4 Law Enforcement of Land Tenure Arises in Rembang Regency

Based on the results of the research, in general the control and ownership of land arising in Rembang Regency is still based on customary law that applies in the local community. However, this form of control and ownership that is factual in nature is faced with legal provisions in a formal juridical manner, in which emergent land is state land, so that everyone who will control emergent land must first obtain permission from the state, through the authorized government apparatus for that purpose, namely National Land Agency.

Most of the land that arises in Mangkoso Village and Lawallu Village is controlled by customary law of the community without being based on rights in the form of permits from the state. In connection with this phenomenon, it is necessary to pay attention to Act No. 51 of 1960 concerning Prohibitions on the Use of Land Without Permits of the Entitled or Their Proxy. This law essentially regulates the prohibition to use/use land or surface of the earth for anyone who does not have a permit entitled to their legal power of attorney.

In this law it is further explained that the person entitled to his power if it is state land is the Minister of Agrarian Affairs or an official appointed by him, while the meaning of using the land in question is occupying, working on and or controlling a plot of land or owning plants or buildings on it without questioning whether the building is used alone or not.

This law prohibits the illegal use of land in the form of any stage, whether it is still in the form of land which is periodically inundated with water, or which is already in the form of solid land. With the existence of this law, the Minister of Agrarian Affairs and the regional government have the authority to take the necessary actions if there is a violation of the law regarding the possession of state land without a permit.

Related to the emerging land as state land located in the coastal area, according to Hamzah Amri the Head of Subsidy for Land Arrangement and Arrangement of the Land Office of the Rembang Regency Land Office, the emerging land located in Pasar Baggi Village under its control should first request permission through an application for rights, then it can be utilized as optimally as possible for improve the standard of living of the surrounding community. Apart from that, in terms of controlling land arising on the coast of Rembang Regency, one has to look at regulations related to land tenure in coastal areas and spatial planning for local areas and protected areas, especially for coastal borders.¹⁸

Regarding permits to use land arising in coastal areas, it is contained in Act No. 1 of 2014 concerning Management of Coastal Zone and Small Islands, which states that every person who makes use of space, from part of coastal waters and utilization of part of small islands permanently must have a location permit. Location permits are the basis for granting management permits.

Based on what has been described above, with the existence of these regulations it can be seen that there are limitations to the freedom of the community in controlling and utilizing land arising directly. Where the control is limited by the right to control by the state, while the utilization is limited by the authority of the state which regulates and organizes the allotment and use of the land. So with

¹⁸Ibid

this rationale it can be understood that every citizen of the Republic of Indonesia in utilizing land must be based on applicable legal regulations as a juridical basis, so as not to deviate and violate the law.

Land arising on the coast of Rembang Regency is state land. Emerging land that still has the status of state land cannot be sued for compensation by residents if the above land is to be used for the construction of public interest facilities by the government. Meanwhile, residents who have been cultivating the raised land until now feel that they have sufficient control over the emerging land without any interference from other parties, even though there is no written evidence, either in the form of a management permit from the local government or a certificate from the National Land Agency.

The local community's perception of the status of emerging land tenure can be an obstacle for the government if it is to take over emerging land that has been controlled by local residents for tens of years. This can happen because the residents who control the land already consider the land to be theirs and when a party is about to take over, the residents will automatically make efforts to defend what they own. Until now, no community has submitted an application for the status of tenure rights to the arising land they control. The factor that has become the reluctance of residents to apply is due to the lack of socialization from the local government. As for people who know how,

According to the author, the use of emergent land by the community without being equipped with a permit is an attitude of omission from the land office and the local village government, because they assume that the community in utilizing the emergent land still has the status of managing state land. Land management that arises without permission from the local land office can be said to be illegal management because it does not obtain the basis for the right to manage state land. In addition, this action is also not able to provide protection and legal certainty for residents who cultivate land arising.

The granting of arising land rights also needs to consider juridical aspects as well as other aspects that may affect the spatial layout of the local area. The emerging land along the coastal area of Rembang Regency has the potential to continue to grow if the land is continuously managed by the local community.

Therefore, the active role of the Rembang Regency Land Office by conducting an inventory of emerging lands is immediately carried out and is expected to provide confirmation of the status of emerging land as state land whose ownership must be applied for in advance. In addition, it is necessary to raise legal awareness for the community to carry out confirmation of the status of emerging land that has been under their control so that they can obtain written land rights from the National Land Agency.

The Rembang Regency Land Office has so far not received applications for land rights arising in the local area, because until now the community feels that they have sufficient control over the arising land without any interference from other parties even without any written evidence either in the form of a management permit from local government as well as certificates of property rights issued by the National Land Agency. This shows an indication that the local community has not fully implemented the applicable laws and regulations.

In addition, the Rembang Regency Land Office has not conducted an inventory of emerging land as mandated in the Circular of the Minister of Agrarian Affairs/Head of the National Land Agency Number 410-1293 concerning Controlling the Status of Emerging Land and Reclamation. Likewise, the local village government has allowed the people who control the land to emerge without being based on land rights, so that it can be said that the land that is owned by the local community is a "hidden asset".

This also shows that the Land Office and the local village government have not fully implemented the applicable laws and regulations. The lack of coordination between the Rembang District Land Office and the Village Government is also one of the inhibiting factors in implementing regulations regarding emerging land, because the government at the village level has not clearly understood the regulations regarding emerging land so that there is the allowing the control and management of land to arise without being accompanied by a permit. So based on the explanation above, it can be concluded that law enforcement over land tenure in Rembang Regency has not run optimally.

4. Conclusion

The people who control the emerging land have not yet obtained a permit because no one has reported the arising land they control to the local government, namely the Rembang Regency Land Office, so that it can be said that the emerging land used by the local community is a "hidden asset". So far the Rembang Regency Land Office has not conducted an inventory of emerging land as mandated in the Circular of the Minister of Agrarian Affairs/Head of the National Land Agency Number 410-1293 concerning Controlling the Status of Emerging Land and Reclamation. Meanwhile, the people who control the emerging land have not yet obtained a permit because no one has reported the arising land they control to the local government, namely the Rembang Regency Land Office, so that it can be said that the emerging land used by the local community is a "hidden asset". There needs to be integrated coordination to facilitate residents by holding legal awareness counseling regarding land tenure without a permit, as well as consistent efforts from all relevant agencies in implementing laws and regulations in the context of mastery, utilization and use of emerging lands in Rembang Regency in particular in the Pasar Baggi Village

area. We recommend that the local government, in this case the Rembang Regency Land Agency, immediately take steps to conduct an inventory of the arising land in Pasar Baggi Village. This aims to secure state land so that its utilization is in accordance with the regional spatial plan and to prevent the transfer of rights to state land without the approval of the local government.

5. References

- Eka Putri, Jeslin, (2018), *Kepastian Hukum Letter C Desa Sebagai Alas Hak Penerbitan Sertipikat Pendaftaran Tanah Sistematis Lengkap (Studi Pelaksanaan PTSL di Kelurahan Harjosari, Kabupaten Semarang)*, Skripsi, Fakultas Hukum Universitas Negeri Semarang.
- Laksono Ruananda K, (2023), *Analisis Hukum Terhadap Penguasaan Dan Pemilikan Hak Atas Tanah Timbul Di Kabupaten Rembang*, Hasil Wawancara Pribadi dengan Tarni Selaku Kasubsi Pemberian Hak Instansi Pemerintah/Penata Pertanahan Pertama. at 13 March 2023 di Kantor Pertanahan Kabupaten Rembang
- Laksono Ruananda K, (2023), *Analisis Hukum Terhadap Penguasaan Dan Pemilikan Hak Atas Tanah Timbul Di Kabupaten Rembang*, Hasil Wawancara Pribadi dengan Mashudi Tokoh Masyarakat Desa Pasar Baggi Kab. Rembang Pada at 12 March 2023.
- Pemerintah Kabupaten Rembang, (2023), Geografis, diakses melalui <https://rembangkab.go.id/geografis/>
- Rofi Wahanisa Dan Arif Hidayat, (2009), *Penguasaan Tanah Timbul (Aanslibbing) Sebagai Dasar Untuk Memperoleh Hak Milik Atas Tanah*, Jurnal Pandecta, Volume. III. No.1, January-June.
- Setiabudi, Jayadi, (2012), *Tata Cara Mengurus Tanah, Rumah Serta Segala Perizinannya*, Jakarta: Suka Buku,
- Suhanan Yosua, (2010), *Hak atas Tanah timbul (aansbling) dalam Sistem Hukum Pertanahan*, Jakarta: Restu Agun.
- Widhi Handoko, (2014), *Kebijakan Hukum Pertanahan sebuah refleksi keadilan hukum progresif*, Yogyakarta: Thafa Media.
- Winahyu Erwiningsih, (2009), *Hak menguasai negara atas tanah*, cetakan pertama, Yogyakarta: Universitas Islam Indonesia.