

Legal Position of Eigendom Verponding Land Rights in the Indonesian Land System

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Abstract. *This study aims to determine the legal position of eigendom verponding land rights in the land system in Indonesia and to determine the mechanism for the transfer of eigendom verponding land rights to land ownership rights in the land system in Indonesia. The approach method used in this qualitative legal research is the sociological juridical approach method, which is an approach by seeking information through direct interviews with informants empirically first and then continuing with conducting secondary data research found in literature studies through theoretical steps. Based on the results of the research conducted, it was found that the ownership of former eigendom verponding land in Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) and its implementing regulations, as well as Government Regulation Number 24 of 1997 concerning land registration states that the land is land controlled by the state with the legal status of state land, where former eigendom verponding is included in state land that is not free or cannot be owned by individuals and the eigendom verponding certificate is not valid proof of ownership. Then, as a result of the law on former eigendom verponding land that has not been converted, for the rights holder, the proof of ownership of the former eigendom verponding is considered invalid. Rights holders can still register land through applications and granting of land rights with the obligation of physical control. Applications submitted for land with state land status are no longer eigendom verponding. Physical control of land as a real relationship between the rights holder as the subject of land rights with his land in order to be able to register his land. Holders of former eigendom verponding rights who still fulfill the requirements as subjects of land rights can actively utilize their land.*

Keywords: *Legal; Protection; Rights.*

1. Introduction

Property is a term that has existed since the Dutch colonial era. Eigendom is defined as a person's ownership rights to a piece of land. Eigendom is divided into 2 (two) types, namely ordinary eigendom and verponding eigendom. Ordinary eigendom is land that has the status of ownership rights during the Dutch colonial era, where this eigendom can only be owned by Europeans and Eastern Foreigners, while indigenous people can also have eigendom with the status of agrarische eigendom. Agrarische eigendom is a special land ownership right for indigenous people accompanied by conditions of restrictions regarding obligations to the state or village as stipulated in Article 51 paragraph 7 of the Indische Staatregeling (hereinafter referred to as IS).

Meanwhile, verponding is a tax bill for land and/or buildings which is currently referred to as a Land and Building Tax Payable Notification Letter (hereinafter referred to as SPPT-PBB). Based on that, eigendom verponding is interpreted as land ownership rights that can only be proven by verponding or proof of tax bill. In addition, there is also the term *grondkaart* which is a cross-sectional image of land made to indicate a land object with certain boundaries stated on it. The legal basis for eigendom was previously regulated in the provisions of Article 570 of the Civil Code (hereinafter referred to as the Civil Code), which was then revoked since the enactment of Law Number 5 of 1960 concerning Basic Agrarian Principles (hereinafter referred to as UUPA). The revocation of the provisions regarding eigendom in the Civil Code means that its provisions in the Civil Code are no longer valid.

In order to provide legal certainty and clarity to the holders of eigendom rights, Article I paragraph (1) of Part Two of the UUPA stipulates that eigendom can be changed into ownership rights. Article I paragraph (1) of Part Two of the UUPA states as follows: Eigendom rights to land that exist at the time this Law comes into effect become ownership rights from that time, unless the owner does not meet the requirements as mentioned. Article 21 of the UUPA essentially states that only Indonesians can have ownership rights. Changing it into ownership rights is done through conversion. The provisions regarding this conversion are regulated in Part Two of the UUPA which consists of 9 (nine) articles, namely from Article I to Article IX of the UUPA, which essentially regulate the provisions for eigendom conversion.

In 1960 since the UUPA was enacted, the Indonesian government provided an opportunity with a period of 20 years and will end no later than September 24, 1980 to convert land with eigendom status into ownership rights. This is regulated in the provisions of Article 1 paragraph (1) of Presidential Decree Number 32 of 1979 concerning the Main Principles of Policy in the Framework of Granting New Rights to Land Originating from Conversion of Western Rights (hereinafter referred to as the Presidential Decree on New Rights to Converted Land) which states. Land with Cultivation Rights, Building Rights and Usage Rights originating from conversion of Western rights, the period will end no later than

September 24, 1980, as referred to in Law Number 5 of 1960, at the time of the termination of the rights concerned to become land directly controlled by the State.¹Based on these provisions, land with Convertible land status, if not converted, will be controlled by the state. This is different from eigendom which changes into ownership rights.

For land with a status that, when converted, changes to ownership status, up to now it can still be converted based on the provisions in Article 24 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration (hereinafter referred to as the PP on Land Registration) which states that for the purposes of rights registration, land rights originating from the conversion of old rights are proven by evidence regarding the existence of said rights in the form of written evidence, witness statements and/or statements from the person concerned, the level of truth of which is deemed sufficient by the Adjudication Committee in systematic land registration or by the Head of the Land Office in sporadic land registration to register the rights, rights holders and the rights of other parties burdening them, however, the old rights in question do not include eigendom. For example, the green letter in the City of Surabaya and Petok D. The green letter can be legalized as ownership rights based on the provisions in the Surabaya City Regional Regulation Number 16 of 2014 concerning the Release of Land Assets of the Surabaya City Government (hereinafter referred to as the Surabaya Land Asset Release Regulation) and the Mayor's Regulation Number 51 of 2015 concerning the Procedures for the Release of Land Assets of the Surabaya City Government (hereinafter referred to as the Surabaya Land Asset Release Regulation), as well as Petok D which until now can still be registered for the application for a certificate of ownership.

2. Research Methods

The approach method used in this qualitative legal research is the sociological legal approach method, namely an approach by seeking information through direct interviews with informants empirically first and then continuing by conducting secondary data research found in literature studies through theoretical steps.²The approach used in this study is qualitative research, namely legal research with empirical interview media with several informants. The interview aims to dig deeper into what the researcher wants to know by digging deeper into information from existing sources with a dialectical exchange between the researcher and the informant.

3. Results And Discussion

3.1. Legal Position of Eigendom Verponding Land Rights in the Indonesian Land System

The status of Eigendom verponding land rights can be changed to ownership rights, unless it does not meet the requirements in accordance with Article 1

¹Tamrin Amal Tomagola, Republic of Kapling, Resist Book, Yogyakarta, June 2006, pp. 219-220.

²Ibid, p. 7

Paragraph 1 Part Two of Law Number 5 of 1960 concerning Basic Agrarian Principles (hereinafter referred to as UUPA) which is then carried out through a land conversion process and only Indonesians can have ownership rights in accordance with Article 21 of UUPA. Then to convert former Eigendom verponding land until now it can still be done by providing written evidence, witness statements, and/or statements from the person concerned whose truth is tested by the Adjudication Committee in accordance with Article 24 Paragraph 1 of PP Number 24 of 1997 concerning Land Registration.

3.2. Legal Protection for Third Parties in Credit Agreements with Collateral in Semarang Regency

Former eigendom verponding land number 822 which is no longer in dispute can apply for state land rights based on the Minister of Agrarian Affairs Regulation Number 9 of 1999 on Procedures for Granting and Cancellation of State Land Rights and Management Rights at the National Land Agency as follows:

- a. Application letter submitted to the Head of the Land Office.
- b. The application for ownership rights contains:
 - 1) Information regarding the applicant, namely name, age, nationality, place of residence, occupation, as well as information regarding his wife/husband and dependent children;
 - 2) Information regarding the land includes the basis of control, location of boundaries and extent, type of land, land use plans, and land status;
 - 3) Other information, for example information on the number of fields. Conducting measurements which then produce a field map, which will then be heard by the rights committee.
- c. The results of the meeting are in the form of Minutes of the Rights Committee, the contents of which are approved or not approved, as follows:
 - 1) If approved, a decision letter will be made granting the rights;
 - 2) If it is not approved, a decision letter will be made and signed by the head of the office, then the rejection decision letter will be given directly to the applicant and a land rights certificate will be issued.

4. Conclusion

The status of Eigendom verponding land rights can be changed to ownership rights, unless it does not meet the requirements in accordance with Article 1 Paragraph 1 Part Two of Law Number 5 of 1960 concerning Basic Agrarian Principles (hereinafter referred to as UUPA) which is then carried out through a land conversion process and only Indonesians can have ownership rights in accordance with Article 21 of UUPA. Then to convert former Eigendom verponding land until now it can still be done by providing written evidence, witness statements, and/or statements from the person concerned whose truth is tested by the Adjudication Committee in accordance with Article 24 Paragraph 1 of PP Number 24 of 1997 concerning Land Registration.

5. References

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