



THE ESSENCE OF THE APPLICATION OF LEGAL JUSTICE TO THE SYSTEMATICS OF LAND REGISTRATION ACCORDING TO GOVERNMENT REGULATION NUMBER 24 OF 1997

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Keywords	Abstract
Facts, Application, Justice, Land Registration	<i>This study aims to explore the principles of legal justice that should be applied in the land registration process in Indonesia by analyzing that according to Government Regulation Number 24 of 1997 can succeed in creating a fair system for all parties. Through a qualitative approach with normative analysis, this study outlines various aspects of justice that should be reflected in the law. The results of the research, creating a fair and equitable land registration system, there are still various technical, administrative, and social obstacles that hinder the realization of the optimal application of the principle of justice. Conclusion in terms of land registration policies and practices to ensure that legal justice can be realized more effectively and equitably for all Indonesia people.</i>

1. INTRODCUTION

In accordance with Government Regulation No. 24 of 1997, land registration is carried out on the principles of simplicity, safety, affordability, up-to-date, and openness. Simple principles seem to be easier to understand by interested parties, especially land rights holders. Land registration is carried out to provide clear legal guarantees. Land registration must be accessible to economically weak parties by considering their needs and abilities based on the principle of affordability.

The ongoing set of government actions to collect, process, record, and store physical and juridical information on land and flats is known as land registration. One of the rules that regulates land registration is the Basic Agrarian Law (UUPA), UUPA is a basic regulation that regulates the control, ownership, designation, use, and control of land use with the aim of implementing land management and utilization for the greatest prosperity of the people. One of the aspects needed for this purpose is the certainty of land rights which is the main basis for legal certainty of land ownership.

Land registration is carried out on the principles of simplicity, safety, affordability, up-to-date, and openness, as stipulated in Government Regulation No. 24 of 1997. Interested parties, especially land rights holders, find it easier to understand simple principles. The purpose of land registration is to provide a definite legal guarantee. Based on the principle of affordability, land registration must be accessible to economically weak parties by considering their needs and capabilities. To ensure that data from land registration is maintained in accordance with the real situation on the ground, the main principle is to ensure that the data remains relevant. Through land registration at the land office, the open principle allows the public and the

government to access complete data on 25 physical and juridical data. Land registration was initially done for fiscal purposes, but now it is done for the purpose of legal certainty.

Legal protection and guarantee of legal certainty in the field of land are mentioned in the General Explanation of Government Regulation No. 24 of 1997, namely: "in dealing with concrete cases, it is also necessary to carry out land registration that allows land rights holders to easily prove their rights to the land they are holding, and for interested parties, such as prospective buyers and prospective creditors, to obtain the necessary information about the land that is the object of the legal act to be carried out, as well as for the Government to implement land policy.

Guarantees of the certainty of the existence of the law include guarantees of legal certainty related to citizens or legal entities that have the role of rights holders or referred to as the subject of land rights, guarantees of legal certainty regarding the location, boundaries, and area of a land plot or referred to as the object of land rights, as well as guarantees of legal certainty related to the rights to their land plots. Land registration is an obligation of the government and rights holders, as a form of guarantee of legal certainty and legal protection of land rights. This guarantee of legal certainty is carried out through the registration of land in all land parcels throughout Indonesia, through land measurement, mapping, and bookkeeping, registration of land rights and the transfer of these rights. The granting of a certificate of ownership of proof of land rights can be used as a very strong proof item. From the guarantee of this legal certainty, among others, namely the area, location, land status, land boundaries and people who have land rights.

Land registration in Indonesia adheres to a negative system with a positive tendencies, the meaning of this system is a certificate as a sign of strong proof of rights, but not absolute. The government does not guarantee the contents of the land deed that is the basis for land registration

The deed registration system registers documents that prove the creation of the rights in question and the implementation of legal acts, the rights registration system, every creation of new rights and legal acts that cause changes later, must also be proven by a deed. But in the implementation of its registration, it is not the deed that is registered, but the rights that are created and the changes that are made later.

Legal certainty is "the legal instrument of a country that guarantees the rights and obligations of citizens", while certainty is an inseparable legal characteristic, especially in the case of written legal norms, if the law is not clear, the general code of conduct becomes irrelevant anymore. This has an impact on the order of society and the country. Each rule must be clear and easy to understand to serve as a guideline for the behavior of the community and the government.

2. RESEARCH METHODS

The problem in this study is what is the importance of land registration for the first time and what problems are currently occurring related to land registration for the first time. The problem of this research is descriptive analysis with a normative juridical approach and uses secondary data obtained from literature studies, document studies and references that have been published by other authors. Secondary data is systematically compiled and analyzed qualitatively. The conclusion of this study is that systematic land registration that provides legal certainty is highly expected for land owners who have not been registered, especially for lower-middle-income people.

The source of data used for the implementation of research requires secondary data that comes from several relevant legal materials, including primary legal materials, namely UUPA,

Government Regulation Number 24 of 1997, secondary legal materials including the results of scientific research, scientific meetings, and the work of legal experts, and tertiary legal materials including materials on the provision of directions and explanations of the combination of primary and secondary legal materials, One of them is to use a legal dictionary as the material.

3. RESULT AND DISCUSSION

Land registration is a series of implementations carried out by the government in a prolonged, continuous and orderly manner, including by collecting, processing, bookkeeping, and presenting physical data and juridical data, which are presented with maps and lists, related to land plots and flats, including the submission of proof of ownership rights for land plots that already have rights and ownership rights in flats and also rights specifically that makes it difficult. The implementation of land registration is divided into two types, including land registration activities for the first time and maintenance of land parcel registration data. The activity of registering their land for the first time is a series of practices of registering land for the first time involving land plots that have not been registered according to Government Regulation No. 10 of 1961 and Government Regulation No. 24 of 1997. Meanwhile, the maintenance of registration data from land plots is a series of implementations of registering land in order to harmonize between physical data and juridical data contained in maps from registration, land registers, land survey letters, name lists, land books and certificates through future differences.

Land registration is divided into two types of land registration for the first time, including systematic land registration and sporadic land registration. Systematic land registration is a series of implementations of registering land for the first time which is carried out together and covers all objects of land plots that have not previously been registered in the village/sub-district area implemented by the government. While sporadic land registration is the work of registering land for the first time related to one or several land registration objects from the wishes of the person concerned, namely the person who is entitled to obtain the registration object of the related land plot.

Systematic land registration is prioritized because through this method it will accelerate the acquisition of data on the land plots to be registered rather than through sporadic land registration, but it takes time to meet funds, manpower and equipment. Meanwhile, the implementation must be based on a sustainable annual implementation plan, through a feasibility test so that it runs smoothly. Sporadic land registration will also be improved because in reality there will be more requests for individual and mass registration needed in the implementation of development which will increase its activities.

In other words, in land registration activities there are tasks, such as in terms of determining land rights and registering the transfer of land rights. It can even be said that activities related to juridical aspects or the collection of juridical data to the issuance of land books, certificates and other general registers as well as the recording of changes in the future are almost entirely related to administrative tasks. In the process of administering the land registration activities, it is concretely marked by the existence of lists of contents that are given certain codes to record each activity of the land registration.

The certificate of land rights is a legal product of the State Administrative Officer (TUN), the official in question is the Head of the Regency/City Land Office, the Adjudication Committee

and the official who receives the authority from the Head of the Regency/City Land Office, then the legal product issued by the authorized official is subject to the provisions of the State Administrative Law, meaning: "a person as a TUN official may commit an act that is covered as an act that is unlawful Either due to fault (schuld) or due to negligence in carrying out their legal obligations. For the wrong or negligent act, it produces the wrong legal product of the certificate, both the error on the subject of the law in the certificate and the error on the law in the certificate. Which mistakes have been suspected can occur in various land registration processes.

The activities of the implementation of land registration for the first time are clarified in terms of data collection and processing of physical data, proof of rights and bookkeeping; issuance of certificates; presentation of physical data and juridical data, and storage of general data of documents. The certificate as referred to in Article 32 paragraph (1) of Government Regulation Number 24 of 1997 is a certificate of proof of the correct rights as well as the authoritative evidence of physical data and legal data according to the survey letter in the land rights book.

4. CONCLUSION

Based on the results of the discussion of this research, conclusions can be drawn, among others, namely: first, the importance of land registration for the first time is to be able to provide legal certainty for community land ownership. Land certificates are the strongest proof. Land registration for the community is very important because it is to get certainty from the law. Legal certainty is legal protection for arbitrary behavior, meaning that a person will get what he wants from a condition. With the enactment of legal certainty. Meanwhile, the importance of land parcel registration for the government is as an information medium for the government so that it is easy to get related data on land parcels. This information is related to the amount of tax for each land and the orderly land administration.

Second, the factors that cause the lack of public interest in registering their land are because the community does not understand the importance of land registration, the fear of the community, if there are difficulties in the procedure for registering their land, especially the land owned, and the community's fear of the cost of land registration. The problem is that all residents think that tax signs such as the land tax petuk, girik, ketitir and ipeda are proof of land rights or land certificates.

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