



## THE GOVERNMENT'S ROLE IN IMPROVING THE LEGAL REGULATIONS OF LAND REGISTRATION TO PEOPLE IN DESA LIDAH TANAH, SERDANG BEDAGAI REGENCY, INDONESIA

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### Abstract:

The community's need for land is progressively increasing as the land is becoming narrow. At the very same time, demand is always growing, so it is not surprising that the selling price of land is getting more expensive. The imbalance between the availability of land and the community's need for land has caused various legal problems. Facts show how strategic the role of land for human life. The statistics also testify how the large number of people still depend their daily livelihoods on land, both for farming, gardening, and other businesses by utilizing their private land. Secondly, there are quite a number of people depend the fate of their future and even the lives of their children and grandchildren by making land an investment asset. The reason is simple: the price of land will continue to increase due to the high demand for land availability, while the available land area will never increase. Land registration is an effort of the Government's role to provide legal certainty related to land ownership, which in turn can provide legal protection. This is contained in Article 19 Paragraph (1) of Law Number 5 of 1960 concerning UUPA Regulations, namely, to guarantee legal certainty by the Government, land registration is held in all regions of the Republic of Indonesia according to the provisions stipulated by the Government. The intended government regulation is Government Regulation (PP) No. 24 of 1997 concerning Land Registration as well as Presidential Instruction (Inpres) No. 2 of 2018 concerning Complete Systematic Land Registration (PTSL).

**Keywords:** legal awareness, land registration

### 1. Introduction

Instilling Legal Awareness in the citizens must be carried out by all parties so that the rule of law can run smoothly. Law is a system used to regulate an institution or a

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certain group of people. Laws appear to regulate the norms and lives of the people so that they do not harm one another. The law regulates all codes of practice about what can and what cannot be done by the public. From this understanding it is known that the law regulates all human actions.

Legal awareness is values contained in human beings about the existing law or the law that is expected to exist. In other words, legal awareness is a person's or community's perception of the law. These are somehow in a form of values that grow and develop in society rather than concrete events in the society. Legal awareness emphasizes the values of society about what functions should be carried out by law in society (Roestandi, 2012).

Well-regulated law can never occur if there is no awareness to obey it. However, there is one theory that says that law does not bind its people except on the basis of legal awareness possessed by the community itself. That is why legal awareness becomes vital because in some literature regarding the issue of law and some references about law, awareness of law can also shape the law itself. Of course, it also strengthens and utilizes the law to the fullest.

In legal awareness, there are a number of things that are emphasized so that legal awareness itself can act as it should, namely;

- 1) Legal awareness must be based on knowledge of what is defined as law. If someone does not know what law is, of course he cannot carry out the law as he should. He must know that law is important for society because it protects people from the state of not punishing.
- 2) In addition to knowledge of the law, understanding the law is also important. When someone only knows and does not fully understand, there will be a misunderstanding that results in the law which is not working as it should. Understanding the law becomes one thing that must be owned by every individual who runs the law. Understanding in this case means knowledge of each content in one article and also how the article was formed and how to implement the article.
- 3) The next mechanism is awareness about our legal obligations towards others. It is also important because it will be able to make the law work as it should. When someone knows what he cannot and shouldn't do to others and is aware that there will be rewards for everything he does, good or bad, they will automatically have legal awareness.
- 4) Accepting the law, even though people know and understand the law and their legal obligations towards others, but if they do not want to accept the law, then the conscious state of the law will not be realized and the law will not be able to function as it should. Accepting the law is one definite rule that must be obeyed if the law is to run. Getting the community to accept the law is not an easy matter, however, the teachings that are carried out regularly will have the effect of accepting the law by the community itself.

## 2. Research Methods

The method used in this study is a qualitative research which attempted to acquire as much as possible about the legal order of land registration in the community of the Desa Lidah Tanah. Bogdan and Tylor in the book of "Lexy. J. Moleong" said that a qualitative method is a research procedure that produces descriptive data in the form of written or oral information from people and the observed behavior (Moleong, 2007). The data obtained from this study were not in the form of numbers, but the data collected in the form of verbal words that include notes, reports and photographs.

Data processing is carried out qualitatively because the legal research starts from the existing regulations as well as positive legal norms (Ediwarman, 2008). As a tool for analyzing this research, two approaches are used, namely the Statute approach and the Comparative Approach. The utilizations of two approaches in this research were to complement one with another.

If all legal materials have been obtained and collected both in primary, secondary and tertiary legal materials then the data were analyzed qualitatively by describing the symptoms of the law being studied. Then the materials are arranged systematically, so that it will produce certain classifications as desired.

## 3. Discussion

Efforts made by the Land Registry Office in raising public legal awareness related to land registration in the Desa Lidah Tanah is through legal counseling carried out by village officials in collaboration with the government of Serdang Bedagai Regency, so that they can conduct legal counseling directly to the community at village offices / sub-district offices in Regency of Serdang Bedagai. It is hoped that the community understands that land registration is significant, and land that has been registered will be given proof of rights and deemed as strong evidence in the form of certificates.

The people of Desa Lidah Tanah in Perbaungan of Serdang Bedagai Regency have a deficient level of legal awareness; this is due to various factors and obstacles. Economic factors are the main thing for the people of Desa Lidah Tanah in the management of land certificates. Most of the people of Desa Lidah Tanah work as farmers. Income for daily life depends on the harvest from farming land, which is sometimes insufficient for the cost of living and education of children.

The legal awareness raising program needs to be improved to develop and increase the level of legal awareness of the community including state administrators so that they not only know and are aware of their rights and obligations, but are also able to behave in accordance with applicable law. The main activities that need to be carried out include:

- a) Consolidation of methods of developing and increasing legal awareness compiled based on a two-way approach, so that people are not only considered

- as objects but also as subjects of development and truly understand and implement their rights and obligations in accordance with applicable regulations.
- b) Increasing the use of more modern communication media in the context of achieving legal awareness targets at various levels of society.
  - c) Enriching the methods of developing and increasing legal awareness continuously to balance the social plurality that exists in society and as the implications of globalization.
  - d) Increasing professionalism and the capacity of extension workers is not only from the ability of the legal substance of sociology and the behavior of the local community, so that communication in delivering material can be more appropriate, understood and well received by the community (Khoidin, 2008).

In registering land, legal awareness is needed. The role of the government, especially officials who work at the National Land Agency (BPN) assisted by the Desa Lidah Tanah apparatus, is very important in this case as an effort to help the community by providing socialization about the importance of land ownership certificates as well as assisting documents needed in the management of certificates the land.

The Government has also created a Systematic Complete Land Registration (PTSL) program, a program that was successfully created by the Government of Indonesia which aims to provide legal certainty and legal protection for land rights owned by the people of Indonesia. PTSL provides an opportunity for people who have not registered their land in all parts of Indonesia in one village or village area.

This is done by the government because the government still finds a lot of land in Indonesia that has not been certified or does not have a certificate. This program is carried out simultaneously by the Government of Indonesia which covers the collection, processing of books and the presentation and maintenance of physical data and the giving of proofs for land that already have rights over them, be they ownership rights, business use rights, building rights or use rights.

The stages of the PTSL program are as follows:

- 1) Counseling is scheduled in advance and is carried out by BPN officers who are in the village or sub districts;
- 2) Data Collection; after counseling, the officer will collect data from the community by asking the status of land ownership, how to acquire the land, whether from inheritance, grants or buying and selling as well as proof of payment for the acquisition of Land and Building Rights (BPHTB) and Income Tax (PPh) (except for people who cannot afford to be released for this fee)
- 3) Measurement; after going through the administrative process and said to have passed, the officer will then take measurements. The measurement includes the length and width of the land owned, the boundary of the land which has been approved by the owner of the adjacent land, the shape of the plot and also the area of the plot of land;

- 4) Session of Committee A; the hearing consisted of 3 BPN members and one representative from the village or sub districts. The purposes of procuring this session are among others to examine juridical data, conduct field investigations, record objections, draw conclusions and obtain additional information;
- 5) Announcement of endorsement; after passing the committee session, the committee will announce the results, then the officer will ratify approximately 14 days after the announcement is posted at the village office or the local land office. If within 14 days after the announcement there is no objection, it means that the land registered is safe, not the disputed land and can be continued for certificate issuance. The announcement contains at least the name of the land owner, land area, location of land and size of land;
- 6) Issuance of Certificates; the last step is the issuance of a certificate by the Ministry of Agrarian Spatial Planning / National Land Agency which is deemed as an authentic proof of someone's ownership of land which will be distributed directly to the land owner.

Costs for this program are charged to the government or in other words free (no fees). PTSL participants are only charged to pay for the provision of land titles for land that do not yet have land certificates, the making and installation of boundary marks, the Obligation of Land and Building Rights (BPHTB) if affected, and others such as stamp duty, photocopies of Letter C or witness costs.

The following conditions must be met by the applicant:

- 1) Population Documents in the form of a Family Card (KK) and Identity Card (KTP).
- 2) A biased land certificate in the form of letter C, Purchase Deed, Grant Deed or Minutes of Testimony, etc.
- 3) Land boundary sign is attached. People should keep in mind that this boundary sign must have the agreement of the owner of the adjacent land.
- 4) Proof of payment of Acquisition Fees or Land and Building Certificate (BPHTB) and Income Tax (PPh)
- 5) Application or Declaration of Participants.

This free program has been running since 2018 and is planned to last until 2025. The government hopes that by obtaining a certificate of land rights, the community can make the certificate a capital for business assistance that is empowered and useful for improving the lives of their families.

With the existence of the PTSL program, it is expected that the Government of Desa Lidah Tanah can work closely with the local Regional Land Agency to disseminate information to the local community and help with the paperwork or documents required in accordance with the above requirements.

#### 4. Conclusions

The principle of the land office is that land management must contribute to people's welfare and the agenda of the Land Office is to ensure the strengthening of people's rights to land. Therefore, the land office has the duty to maintain data on land when there is a change in the data on the land concerned. This is beneficial when the community needs land data or in the process of acquiring the latest data according to the actual and most actual situation. The possession of the certificate as proof of ownership of land rights has become very important to continue the socialization or awareness raising efforts to the community.

The ownership of the certificate does not merely fulfill administrative requirements or formal evidence. But more than that, it is as a guarantee of legal certainty. In order to obtain a certificate as proof of ownership of this land rights, it must be recognized with land registration activities, both the initial land registration as well as land registration after the transfer of land rights. The target of this research activity are the citizens, especially the residents of Desa Lidah Tanah, Pemerba Subdistrict, and Serdang Bedagai District who have come to realize and understand the importance of ownership of certificates as proof of ownership of land rights, and provides efforts of legal awareness on the importance of possession's certificates as proof of ownership of rights over land. This dissemination is considered as an effort to establish order in society and to be able to provide legal certainty and legal protection to the community.

#### References

- Ediwarman. (2008). *Monograf Metodologi Penelitian Hukum (Panduan Penulisan Thesis dan Desertasi)*. Medan.
- Indonesia, R. (2002). *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*. Sekretariat Jenderal MPR RI.
- Indonesia, P. R., & Indonesia, P. R. (1960). *Undang-undang no. 5 tahun 1960 tentang peraturan dasar pokok-pokok agraria*. Ganung Lawu.
- Intruksi Presiden (Inpres) No. 2 Tahun 2018 Tentang Pendaftaran Tanah Sistematis Lengkap (PTSL).
- Khoidin, M. (2008). *Hukum Politik dan Kepentingan*. Yogyakarta: Laksbang Pressindo. Cet, 1.
- Moleong, L. J. (2007). *Metode Penelitian Kualitatif*, Bandung: Remaja Rosdakarya. Rio Ahmad, Jaya.
- Peraturan Pemerintah Nomor 10 Tahun 1961 yang disempurnakan dengan Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah.
- Peraturan Presiden Republik Indonesia No. 17 Tahun 2015 Tentang Kementerian Agraria dan Tata Ruang.

Roestandi, A. (2012). *Etika dan kesadaran hukum: internalisasi hukum dan eksternalisasi etika*.  
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