

Public Services Ordering Land Administration In West Rumbai District, Pekanbaru City

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Abstract

The increasing population indirectly results in the need for land increasing. In addition to the rising demand for development, there is also a need for housing and land needs of other interests. At that time, the amount of available land began to feel very limited (in the sense that it did not increase). This research is qualitative, and the type of research is descriptive, namely research that describes or explains, clearly and in detail, the Analysis of the Implementation of Land Registration. Research design is closely related to research methods; it can even be said that the two cannot be separated from each other because the research design was made by the chosen research method. Land registration not only protects the owner but also determines the status of a plot of land: who owns it, what the rights are, how large it is, what it is used for, and so on (Dalimunthe 2000, 132). The guarantee of legal certainty to be realized in this land registration includes the lock of the status of the rights registered, the confidence of the subject of the right, and the assurance of the object of the right—this land registration results in a certificate proving their rights.

Keywords: registration, land, community, government, service, Indonesia.

INTRODUCTION

In the development of various fields, the role of land in fulfilling multiple needs will continue to increase, both as a place to live and for business activities. In connection with this, the need for support in the form of guarantees of legal certainty in the land sector will increase. The provision of contracts of legal certainty in the land sector requires the availability of written, complete, and transparent legal instruments carried out consistently following the spirit and content of the provisions (Deininger & Feder, 2009; Zevenbergen, 2002b).

In this regard, Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, in Article 19, orders the holding of land registration to ensure legal certainty as referred to above. Land registration was further regulated by Government Regulation 10 of

1961 concerning Land Registration, which was subsequently replaced by a new Government Regulation. Namely, Government Regulation Number 24 of 1997 concerning Land Registration, which until now has become the basis for land registration activities throughout Indonesia (Atwood, 1990; Feder & Nishio, 1998).

Confidence in the location and boundaries of each plot of land cannot be ignored or ruled out. Based on experience, many land disputes arise due to land parcels' area and limits being incorrect. Therefore, the problem of measuring and mapping, as well as providing large-scale maps to carry out land registration, should not be ignored and is an important part that needs serious and careful attention in collecting land tenure data and presenting data on tenure/land ownership and data storage.

Land registration is a series of activities carried out by the government, namely the Land Office, which are carried out continuously and regularly, including collection, processing, bookkeeping, and presentation and maintenance of physical and juridical data in the form of maps and lists, regarding land parcels. And apartment units, issuance of certificates of proof of their rights for plots of land for which there are already existing rights and ownership rights to the apartment units, as well as certain rights that burden them. The purpose of land registration is to collect and provide complete information on the land according to Government Regulation 24 of 1997. that land accounting related to physical or juridical data is incomplete and still in dispute, even though the land certificates have not been issued as a sign of ownership (Hanstad, 1997; Zevenbergen, 2002a).

To provide legal certainty to holders of land rights is given regarding the extent of the strength of proof of certificates, declared as solid evidence by the Basic Agrarian Law. The letter of measurement and the land book concern that a person cannot claim land that has been certified as a person or legal entity if, within 5 (five) years of the issuance of the certificate, he does not file a lawsuit with the court. For this reason, it is emphasized that it has not been proven that physical and juridical data included in the certificate must be accepted as correct data, daily legal actions, and in disputes in court, as the data follows what is stated in the certificate (Agbosu, 1990; Alban Singirankabo & Willem Ertsen, 2020).

It cannot ignore the factors of location certainty and certainty of boundaries for each parcel of land. Based on experience, many land disputes arising due to land parcels' location and limitations are blurred and incorrect. Therefore, the problem of measuring and mapping, and providing large-scale maps to carry out land registration should not be ignored and is a significant part that needs serious and careful attention not only in the context of collecting land tenure data but also in the presentation of data on land tenure and the storage of such data.

Systematic land registration is prioritized because this method will speed up the acquisition of data on land parcels to be registered rather than sporadic land registration. But because the initiative comes from the government, it takes time to fulfill the facilities and infrastructure in the form of funds, human resources, and equipment needed. Therefore, its implementation must be based on a work plan that covers a relatively long period and a sustainable annual implementation plan through due diligence to run smoothly (Cooke, 2003; Dickerman & Barnes, 1989).

LITERATURE REVIEW

Land Order

The land is a means for carrying out development. This important land position is sometimes not balanced with efforts to overcome various problems that arise in the land sector. The facts show that unrest in the land sector harms the social, political, and economic fields. Without planning, the use of agricultural land will mainly only be guided by their respective interests or the incidental benefits they expect from certain types of plants. With planning, a good balance can be achieved between the land area and the types of plants that are important for the people and the country (Dekker, 2017; Kanji et al., 2005; Krishnapriya & Sarath, 2020; Place & Migot-Adholla, 1998).

The development that continues to increase demands the availability of land as a means. On the one hand, the available land area is minimal. Therefore, the need for land for companies, especially companies that support the country's economy, will eventually become an inhibiting factor in the development process. Thus, the provision of land for the company's benefit is not only based on economic benefits but also on other aspects, namely: the juridical part of its influence on the socio-political situation of national security based on the principles of national development (Domeher & Abdulai, 2012).

Land Use and Utilization

As part of a series of land registration activities, mapping land parcels plays an essential role in developing land data to implement strengthening land administration (Aditya et al., 2021; Peiró & García, 2017). Land parcel maps produced from land parcel mapping activities have a strategic role in ensuring the certainty of land tenure and ownership and supporting land planning, management, and control (Aditya et al., 2021). Management of spatial data and information using land parcel-based maps has a higher level of detail and is more accurate than area-based maps. Such map-based information is helpful for various purposes involving spatial analysis (Adnan & Hamim, 2019; Ginting & Hamim, 2016; Hamim et al., 2020a, 2020b; Hamim & Indrastuti, 2019; Handika & Hamim, 2019; Nurman et al., 2022).

Land disputes in Indonesia are not new and are still happening today. Initially, land disputes only occurred between individual parties, but now land disputes have appeared in all sectors of people's lives, such as forestry, infrastructure, and mining. This is because the need for land has recently increased due to society's rapid growth (Nwuba & Nuhu, 2018).

Land in Indonesia

In terms of arbitration settlement, after both parties agree to settle the dispute by arbitration, the arbitral tribunal determines in its decision the rights and obligations of the parties if this is not regulated in their agreement. The arbitral award must be registered at the Registrar's Office of the district court no later than 30 days after the award is pronounced; if the provision is not implemented, the award is declared unenforceable. The final arbitration award has a legal force that binds the parties. The arbitration award is executed if it has been examined by the head district court, which it will then be, with the approval of the chairman of the district court (Abubakari et al., 2018; Ramadhani & Abduh, 2021).

Land tenure by the state in Indonesia is given the authority to regulate all legal relations over

land so that various dimensions of community needs can be met individually and in groups. The state, as an organization of a state, is given power by the people based on the law (the constitution) to regulate any influence in society, which is described as a force (Macht) ordered by law based on decency (Ramadhani & Abduh, 2021; Yami & Snyder, 2016; Zevenbergen, 2002b). State power over land is based on the main idea of the Preamble to the 1945 Constitution's second paragraph: "A sovereign state based on deliberation."

METHOD

This research is qualitative, and the type of research is descriptive, namely research that describes or explains, clearly and in detail, the Analysis of the Implementation of Land Registration. Research design is closely related to research methods; it can even be said that the two cannot be separated from each other because the research design was made by the chosen research method. The research method used in this paper is a descriptive qualitative analytical method. The descriptive analytical method is research and analysis of the current problem in the hope of producing findings following the aims and objectives of the study. This research uses a qualitative approach, as well as problem analysis and answers to research questions using a qualitative approach. The data analysis technique used in this study is a qualitative descriptive analysis technique. This technique aims to describe certain phenomena in detail; the authors use this technique because the first is to explore broader, detailed, and in-depth information from several interactions and social phenomena, especially closely related to this research. The second is a descriptive analysis that can examine the findings of cases that occurred in the research location.

The data analysis of the results of this study will be carried out qualitatively. The data obtained from observations, interviews, and document studies are directed at describing the mechanisms and processes of policy formulation that are more focused on the

Analysis of the Implementation of Land Registration according to Government Regulation No. 27 of 1997. It is hoped that with this kind of data analysis, the research questions proposed by the authors can be answered. At the same time, theories related to the study of the implementation of land registration can be found.

RESULT AND DISCUSSION

Human Resources

The implementation of the land registration territory of the Republic of Indonesia is the obligation of the government and rights holders following Articles 19, 23, 32, and 38 of the UUPA. Land registration is required to achieve legal certainty and protection of land rights, as stated (Haris et al., 2021; Ilyas et al., 2022; Tamsah et al., 2020; Tamsah & Yusriadi, 2022; Zacharias et al., 2021); to create legal certainty, it must meet the following requirements: a). There are clear and consistent legal rules; b). Government agencies consistently apply the rule of law and obey it; c). Communities adjust their behavior to the rule of law; d). Judges who are independent and impartial must apply the rule of law consistently and observantly when resolving legal disputes; e). Court decisions are concretely implemented. Meanwhile, legal protection for holders of land rights in land registration can be realized if 3 (three) cumulative conditions are met, namely: 1) The issuance of the land certificate is five years old or more; 2) The process of issuing the certificate is based on good faith; 3) The land is physically controlled by the holder of the right or power (Deiningger & Feder, 2009; Zevenbergen, 2002b).

Land registration not only protects the owner but also determines the status of a plot of land: who owns it, what the rights are, how large it is, what it is used for, and so on. The guarantee of legal certainty to be realized in this land registration includes the lock of the status of the rights registered, the confidence of the subject of the right, and the assurance of the object of the right—this land registration results in a

certificate proving their rights (Feder & Nishio, 1998).

Its implementation to realize registered land throughout Indonesia has not resulted in satisfactory land registration. This is as stated in the government's first land registration regulation, namely PP No. 10 of 1961, which has been valid for more than 35 years; approximately 16.3 million parcels have been registered out of roughly 55 million packages of private land (see an explanation of PP No. 24 of 1997). Likewise, with the enactment of PP No. 24 of 1997 and the refinement of PP No. 10 of 1961, the implementation of land registration has not been maximized from 126 million land parcels in Indonesia; only 46 million have been registered, which means that there are 80 million land parcels that have not been registered. Meanwhile, the growth of land parcels is more than 1 million parcels per year. On the other hand, absentee land and abandoned land can hinder the measurement of land parcels because most of the land is only for investment, and the right holder is not domiciled in the land area, so it needs to be identified, inventoried, and brought into order. However, the control that is carried out is not an easy matter because it requires high costs (Atwood, 1990). For this reason, the government must play an active role in controlling and supervising to realize orderly land administration, reduce land tenure and ownership gap, and even reduce land disputes.

Citizen's awareness

As one of the agricultural resources, land has a significant role in human life and life. Therefore, the land must be utilized and managed to provide substantial benefits for the prosperity and welfare of the community. Likewise, for the Indonesian people, the land is a gift from God Almighty. It is national wealth, so it must be cultivated and managed to bring the most significant benefit to the prosperity and welfare of its owner, society, nation, and the state of Indonesia.

Philosophically, the land was not given to individuals from the beginning. The Indonesian

philosophy in the concept of the relationship between humans and the ground places the individual and society as an inseparable unit (“doubled”). This means that the fulfillment of a person’s need for land is placed within the framework of the needs of the entire community so that the relationship is not merely individualistic but more of a collective nature while still providing a place and respect for individual rights. The land has social value. The human need for land is absolute, but ownership is not complete because it still pays attention to the interests and conditions of the more expansive land, namely other humans. In using land, the landowner must pay attention to the interests of others and must not harm them (Hanstad, 1997).

The indicator to see the degree/level of public legal awareness used in the research results uses the theory with four (4) arrows, namely: 1) Knowledge of legal regulations (Law awareness). 2) Knowledge of the contents of legal regulations (law acquaintance), 3) Legal attitudes, 4) Legal behavior patterns. This indicator illustrates that legal awareness is considered low if you only know about the rules and contents of the law. And legal understanding is considered high if it is not limited to just knowing but has behaved by following the law.

Apart from the element of legal feeling, the act of legal compliance is the concretization of the rule of law in behavior. A person who obeys the law does not always show that the law is following the values that are internalized, or a person who observes the law does not show his satisfaction with the rule of law. Maybe because of the sanctions applied in the regulation or because the law requires it to be obeyed. For example, to take credit at a bank with land as collateral, the land is required to be certified. So, the land must be registered first. Then it can be used as collateral for debt because the condition for the mortgage is the object of land rights that have been certified. So, the plot of land must be registered first before they can take real benefits from it (Zevenbergen, 2002a).

CONCLUSION

So strong is the relationship between humans and land that a legal force is needed to maintain it. This legal force may be obtained if the landowner registers the ground (as ordered by Article 19 of Law No. 5 of 1960 concerning Agrarian Principles). The registration of land rights or the granting of land rights to the subject of the request, administratively, will undoubtedly achieve legal certainty for the issue, meaning that the matter of the right is guaranteed to use the land ownership right for anything, if the use of the request follows its designation. Therefore, if all land parcels have been registered and utilized by the right holder, ideally, there is a legal guarantee of rights to all registered land parcels. The positive impact can reduce land problems, especially regarding the use and utilization of land. It is not impossible that the price of land from time to time has increased due to the registration of a person's land rights (Dickerman & Barnes, 1989; Place & Migot-Adholla, 1998).

Land registration is a series of activities carried out by the government continuously and regularly in the form of collecting certain information or data regarding certain lands in certain areas, managing, storing, and presenting them for the benefit of the people, in the context of providing legal certainty in the land sector, including the issuance of proof of ownership. The procedure for registering property rights to land for the first time is the activity of writing a plot of land which has not previously been registered according to the provisions of the relevant land registration regulations. Registration uses the object of land parcel units called parcels, which are limited and two-dimensional parts of the earth's surface with an area size generally expressed in square meters (Krishnapriya & Sarath, 2020).

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