JUSTICE INTRODUCTION IN LAND LAW

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Abstract

Justice is one of the legal goals to be realized, while the existence of land is an essential human need whose regulations need to be regulated transparently in land law. This phenomenon, ex officio places land as an integral part of human rights that must be fulfilled for the benefit and certainty of other legal purposes. Therefore, the proposed "prasaran" in Indonesian means a description of the opinion (postulate, etc.) as an introduction to discuss or discuss a problem. The infrastructure contains the value of justice in land law regardless of the benefits and legal certainty. Ideally, land law is not static, but always dynamic by considering each individual as a member of society.

Keywords: *Justice; Land Law; Public*

I. INTRODUCTION

Humans are social creatures (zoon politicon) created by God Almighty, have basic rights in the form of human rights. These basic human rights must be respected and protected in the life of the nation and state. In addition, they are given reason and conscience and thoughts to be empowered in order to get a higher and noble social stratification than other creatures of God. This phenomenon is in synergy with the five precepts of Pancasila as the philosophical basis or collectieve ideology (shared ideals) of the entire Indonesian nation.[2] as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia. Moreover, it is in accordance with the constitutional basis which is normatively contained in the body of Article 28 letters A to J of the NRI Constitution. 1945.

One of the basic human rights that need to be fulfilled fairly in the life of the nation and state, namely the availability of certain fields to be determined as a source of life and livelihood. But in fact, most of the land is controlled by businessmen (conglomerates) and large companies, both national and foreign. In an effort to anticipate the problem of ownership and control of the land, so that since the beginning of the formation of the state, The Fouding Fathers agreed to formulate Article 33 paragraph (1) of the 1945 Constitution; "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". Theoretically, this constitutional basis is still universal (lex generalist), because it only uses the word "earth" and does not specifically mention "land". Whereas one of the elements of "earth" is land, while land is an

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[2] Sitti Maryam, Dkk., 2020. *Buku Ajar; Urgensi Pendidikan Pancasila Pada Perguruan Tinggi*. Tallasamedia, Gowa.

essential human need and at the same time as the basic potential of a country. Therefore, it needs to be regulated in such a way that there is no conflict of interest that can harm the community[3].

The first attempt by the state (Government) to regulate land issues in Indonesia according to Article 33 paragraph (1) of the 1945 Constitution, was initiated by enacting a law. No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA). Although the naming uses the word "Agrarian", but the content contained in it already regulates land issues and land law, including land rights, both permanent and temporary land rights. Because currently land regulations are available, then through the writing of "Justice Infrastructure in Land Law" ideally if the orientation of thought is more focused on the issue of implementing law enforcement consistently to better ensure legal certainty, justice and truth, the rule of law while still paying attention to human rights. .

II. DISCUSSION

Equating Perception

The elaboration and discussion of "Justice Infrastructure in Land Law", although the values of justice referred to still refer to the benefits and legal certainty. Therefore, there are at least three terms (words) used in this topic so that there is a common perception, namely:

a) Justice

First of all, it should be noted that the word justice is not exactly the same as equity, especially if it is associated with the issue of benefit and certainty as a legal goal, because justice is part of a value, abstract in nature so it has many meanings and connotations. But in general the word justice is defined as "divide" or distributive justice, that each person is given his or her share or rights according to their respective abilities or services and abilities.[4]. However, in the history of legal development, it turns out that the term justice is often interpreted as an individual policy (individual virtue), or defined as moral as taught in natural law theory, or defined as social control, as is commonly used in the term administration of justice.

In this regard, so that the wise view; that in this world there is no justice, because in fact perfect justice is justice that comes from the Almighty God, not from the master of the ruler. As long as justice is based on each human perception, so long as there is no justice, even if there is, then justice is pseudo justice (not perfect justice). On the basis of such thinking that in the theory of justice the term equity is used to modify general law, to be applied to specific

[3] Syamsuddin Pasamai, 2005. *Disertasi; Pengembangan Sistem Pengukuhan Penetapan Kawasan Hutan Dari Aspek Hukum Penatagunaan Tanah*. Program Pascasarjana Universitas Hasanuddin, Makassar.

[4] Maria S.W. Sumardjono, 2001. *Kebijakan Pertanahan Antara Regulasi & Implementasi*. Penerbit Buku Kompas, Jakarta.

matters so that justice will still be achieved. The achievement of justice, means order for society. Therefore, it can be further emphasized that justice that comes from humans is relative, artificial and has many shortcomings. For example; what is considered fair by the plowing of the fields is not the same as justice according to the owner of the field, what is considered fair by the workers (workers) is not necessarily the same as justice according to the entrepreneur (employer), justice for the plaintiff is not necessarily the same as justice according to the defendant.

Furthermore, according to Aristotle, that the essence of justice where everyone gets as much as possible what is his right. Then by Plato distinguishes distributive justice from cumulative justice, where distributive justice is interpreted as justice that gives to each person according to his services, while cumulative justice is interpreted as justice that gives to everyone as much as not considering individual services.[5]. Thus, it is natural and appropriate if the conception of transitional justice which contains distributive justice should be maintained and developed, so that the objectives of the law (justice, benefit and legal certainty) can be realized in the midst of society.[6]. As for the achievement of legal objectives, it must be based on the application of the principle of priority, according to Gustav Redbruch, prioritizing justice, after that benefit and the last is legal certainty.[7].

b) Law

According to Ahmad Ali [8] Law is a set of rules or rules arranged in a system, which has determined what is allowed and what cannot be done by humans as citizens of society in social life, originating both from the community itself and from other sources, which are recognized as valid by the highest authority. in the community, and is actually enforced by members of the community (as a whole) in their lives, and if these rules are violated, it will give the highest authority the authority to impose external sanctions.

According to Cicero about 2000 years ago, he said that ubi societas ibi ius (where there is society there is law). Meanwhile, the law that exists in the midst of society is regulating [9], so it is natural and appropriate if the law is broadly interpreted as one aspect of culture and is part of the overall

[5] Syamsuddin Pasamai, 2008. *Analisis Yuridis Pengukuhan Penetapan Kawasan Hutan Versus Penatagunaan Tanah*. Jurnal Hukum Ishlah, Fakultas Hukum, Universitas Muslim Indonesia (UMI), Makassar.

[6] Ma'mun Hasanuddin, H., 2005. *Disertasi; Penegakan Hukum dan Perlindungan Hak Asasi Manusia Dalam Perspektif Keadilan Transisional di Indonesia (Law Enforcement and Human Rights Protection in Perspective of Transitional Justice in Indonesia)*. Pascasarjana Fakultas Hukum Universitas Hasanuddin, Makassar.

[7] Achmad Ali, 1990. *Mengembara Di Belantara Hukum*. Lembaga PenerbitanUniversitas Hasanuddin, Makassar.

[8] *Op cit.*

[9] *Op cit*

complexity including ideas and everything produced by humans throughout their historical experience, or at least law is interpreted as something abstract. contains ideas and conceptions, including ideas about justice, social benefits and legal certainty[10]. Therefore, the existence of law (including land law) is something that is abstract but can be concreted and can provide protection to everyone for the sake of creating order and security in a community group, both rural and urban communities, both landlords and laborers. farmer.

Furthermore, the existence of law as an aspect of culture requires that the law always be institutionalized among the community. Bind every community that exists in society, so that its implementation can be enforced by the competent institution and for parties proven legally and convincingly guilty of violating the law will be subject to relatively heavy sanctions (criminal, civil and administrative).[11]. In this regard, the state (in a broad sense) as the party authorized to make and implement rules or policies, as well as the party authorized to impose sanctions and execute them. Therefore, the state is expected to be present at every land dispute settlement.

c) Land

Understanding land in the context of Article 33 paragraph (3) of the 1945 Constitution begins with the use of the word "earth" as an integral part of agrarian affairs, where land is part of the earth's crust. Such a phenomenon can be traced through the Law. No. 5 of 1960 (UUPA), where the word agrarian is mentioned 52 times, the word earth is mentioned 48 times, and the word land is mentioned 169 times. The background of the mention of the word "land" as much as 169 times in the LoGA, because it is generally associated with the conditions that surround the land itself. For example; agricultural land, land rights, land use, land tenure, land registration, land endowment, and so on[12].

Based on the above view, it gives birth to a fairly wise assumption that how many features land has so that it is seen as an essential need of mankind, or at least the existence of land as a basic human need. Even though land is a basic human need, it should be remembered that the natural nature of the land is that it is likely that the area of the land will not increase unless it is filled with land (the conversion of the function of rice fields/coastal lips to be filled with land parcels of change). Even ordinary land is considered the only property that is permanent in its state, and land cannot be destroyed[13]. Land

[10] Syamsuddin Pasamai, 2009. *Sosiologi dan Sosiologi Hukum; Suatu Pengetahuan Praktisdan Terapan*. Umitoha Ukhuwah Grafika, Makassar.

[11] Hambali Thalib H dan Syamsusddin Pasamai, 2009. *Sejarah Hukum (Dalam Dinamika Ilmu Hukum)*. Umitoha Ukhuwah Grafika, Makassar.

[12] Syamsuddin Pasamai, 2010. *Hukum Agraria Dan Hukum Tanah Indonesia*. Umitoha Ukhuwah Grafika, Makassar.

[13] Wirjono Prodjodikoro, 1986. *Hukum Perdata Tentang Hak Atas Tanah*. Intermasa, Jakarta.

has a permanent nature, and can be reserved to ensure the needs of life in the future. Land is a place of settlement for most of humanity, in addition to being a source of livelihood for those who make a living through farming and plantations.[14]. Then land is seen as an object of economic value, as well as magical-religious-cosmic according to the view of the Indonesian people [15].

Furthermore, for farmers and farm laborers, the existence of land is considered as a place to plant various types of crops, both seasonal and long-term crops. On the other hand (businessmen); land is considered to have economic value so that it can be used as an investment, land is also seen as a place to build various types and types of buildings. Land was chosen as a place to find various sources of income or income to fulfill household and family life. In the end, it is undeniable that the existence of land as a place for someone to be buried when death arrives. Meanwhile, from traditional circles and communities (customary law), land is considered as something very sacred.

Land Law Politics

In this section, the first thing to pay attention to is the basis and objectives of national legal politics. The importance of getting special attention, so that the politics of national land law remains in line and congruent with the basis and objectives of the struggle of the Indonesian people, as contained in the Preamble to the 1945 Constitution, among others:

1) Protect the entire Indonesian nation and the entire homeland of Indonesia;
2) Improving general welfare;
3) Improving the intelligence of the Indonesian nation;
4) Improving the standard of living of the Indonesian people;
5) 5) Realizing independence, peace and social justice.

In this regard, so that the basis for the politics of national land law is formulated in Article 33 paragraph (3) of the 1945 Constitution in conjunction with Article 51 of the 1949 RIS Law in conjunction with Article 38 paragraph (3) of the 1950 Constitution. However, in practice, it still refers to the regulations contained in Agrarische Wet 1870. The success of the state (Government of Indonesia) in exploring the politics of national land law, since the promulgation of the LoGA (along with various implementing regulations). The politics of national land law as described in the LoGA, gives the state (government) the main role to regulate land ownership and control, regulates the legal relationship between land and Indonesian citizens (community), and regulates the relationship that occurs between the community and legal actions. on land owned or controlled. Therefore,

[14] Abdurrahman, 1991. *Beberapa Aspekta Tentang Hukum Agraria; Seksi Hukum Agraria V*. Alumni, Bandung.

[15] John Salindeho, 1993. *Masalah Tanah Dalam Pembangunan*. Sinar Grafika, Jakarta.

efforts are made to ensure that the politics of national land law continues to respect and respect the principles of customary land law as long as it does not conflict with the objectives of the struggle of the Indonesian people in the land sector.

Indonesia's land law politics contained in the UUPA, is not oriented to business to business with an assumption of trying to get the maximum profit for the authorities, especially for those who double as entrepreneurs, as well as private entrepreneurs who have large capital (bourgeois and conglomerates). If land law politics is more business-oriented (seeking profit), it has the potential to harm the state, nation and people of Indonesia. This is in synergy with the views of H.S.R. Nur[16] transparently reveal that what needs to be contained in Indonesia's land law politics, namely; the collective nature and the private nature, both of which are applied simultaneously with an emphasis on the collective nature, the stronger the collective rights means the weaker the private rights and vice versa. Brahmins Adhie and Hasan Basri Nata Manggala[17] citing Mahfud M.D's view that with the simultaneous enactment of collective rights and private rights, it became the basis for the birth of the Landreform Law and the Ontaigening Act.

Then, if a search is carried out on the politics of national land law as regulated in the LoGA, it will be found that there are several legal principles that correlate the state, people (people) and their legal actions, including:

1) Provide the greatest opportunity for humans (citizens/nations and the people of Indonesia) to own and control land, both objectively and subjectively.
2) The state does not own land, but is given the authority to regulate ownership and control, acquisition and transfer of land rights, granting and revocation of land rights, as well as land use and utilization.
3) Recognizing the existence of land parcels for the benefit of the state (national and international), including the fulfillment of the public interest of the Indonesian people.
4) Carry out the social function of land rights with the motto, public interest above personal interests (individuals and groups).
5) Restrictions on the control of excessive land area with reference to dense areas, not dense areas and urban areas.

Thus, the existence of the state as an organization of power, not the owner of the land, but on its shoulders the authority to regulate and make land regulations. So that the position of the state is not the owner of the land, and the term state land must be abandoned (Article 2 paragraphs (1) and (2) of the BAL). So the state has the authority to regulate the ownership, designation, use and utilization of land in order to achieve the prosperity and welfare of the people, the state and the world in general. In other words; that the state regulates the allocation, use and maintenance

[16] *Op cit.*
[17] *Op cit*

of land to improve the welfare of the Indonesian people. And not intended, to improve the welfare of officials or people in state government organizations.

The state as an organization of power, then some of the power in the land sector can be distributed to local governments (provinces and districts/cities) while still reflecting the existence of the state as a state of law and not a state of power at all. Local governments that have the distribution of regulatory power over land, as far as possible avoid acting as executors who want to and arbitrarily displace residents who control certain plots of land because it can have disastrous and embarrassing consequences. Don't repeat it; the actions of the DKI Jakarta Pamongpradja Police Unit (Satpol.PP), which on Wednesday, April 14, 2010 made a fatal mistake. The mistake occurred during the eviction of land in Koja, North Jakarta, resulting in casualties both from the Satpol.PP itself and from among the community members who defended the land, because on that land there was the tomb of one of the propagator of Islam (Habib Koja). . This shameful event, known as the Bloody Koja.

Reflecting on the humiliating incident, the state (central and regional governments) as far as possible tries to apply and implement the right to control over land while still embodying the mandate of the social function of land rights (Article 6 of the LoGA), i.e. each parcel of land is truly utilized as intended. should be, beneficial for the owner and also beneficial for society and the state. If so, it is reasonable and appropriate if the social function of land rights can at least be used as a way of compromise between absolute rights over land and the system of public interest characteristics of the land itself.

How sacred, noble and important is the social function of land rights so that its implementation must involve the state, it is intended that the right to control from the state is not misused or misused which in the end can harm the interests of the people, nation and state of the Republic of Indonesia. Therefore, the elaboration of the social function of land rights must be regulated in such a way that the interests of the community (general) and the interests of individuals must balance each other as a reflection of the Dwitunggal. Even if it is desired, it needs to be adjusted to the forerunner of protection (the scales logo) illustrates that there is no privileged party between the Dwitunggal.

Estuary Land Registration Legal Certainty

Legal certainty on a plot of land that is owned or in the control of a person can only be proven by a certificate of land rights obtained through a legal institution called land registration. This is important to be socialized because land registration activities must be in accordance with the legal principles that bind it and are not only oriented to a land administration act, but are related to a person's civil rights in the form of measurement, mapping, land bookkeeping, recording the transfer of land rights and giving proof of rights as evidence. strong evidence. If so, then the

land registration system is one of the efforts (government and people) to achieve legal certainty.

In the formulation of Article 1 number 1 PP. Number 24 of 1997, it is emphasized that land registration as a series of activities carried out by the government continuously, continuously and regularly includes the collection, processing, bookkeeping and presentation and maintenance of physical data and juridical data in the form of maps and lists, regarding land parcels, including the issuance of certificates of proof of rights for parcels of land that already have rights. Then in the formulation of Article 2 PP. Number 24 of 1997, it is emphasized and transparent that "Land registration is carried out on the basis of simple, safe, affordable, up-to-date and open principles". The legal principles of land registration are as follows:

a) Simple principles; It is intended that the basic provisions of land registration and its procedures can be easily understood by interested parties, especially land rights holders.
b) The principle of safety; intended to show that land registration needs to be carried out carefully and thoroughly, so that the results can guarantee legal certainty in accordance with the purpose of the land registration itself.
c) The principle of affordable; especially for those in need while still taking into account the needs and abilities of the weak economic groups.
d) Up-to-date principles; This means adequate completeness in its implementation and balance in data maintenance.
e) Open principle; that the data stored at the Land Office is always in accordance with the real conditions in the field, and the public can obtain information regarding the correct data at any time.

The obligation to comply with these legal principles is intended so that land registration can achieve its objectives as formulated in Article 3 PP. Number 24 of 1997, namely:

a) Provide certainty of legal protection to holders of land rights over a parcel of land and other registered rights, so that they can easily prove themselves as holders of the rights in question. One of the efforts to provide legal certainty and protection for holders of land rights, the government is obliged to provide land rights certificates. According to the legal theory of proof of civil cases, certificates are categorized as letter (written) evidence. However, the existence of land certificates as strong evidence does not mean that the validity of the certificate cannot be contested. If someone feels more entitled and has (strong) evidence of ownership of the land, then the person concerned can apply for the cancellation of the certificate of ownership of the land that is claimed as his own. Meanwhile, the claim must be submitted through the State Administrative Court in its jurisdiction.

b) Providing information to interested parties including the Government, so that they can easily obtain the data needed to carry out legal actions regarding registered land parcels. To realize the information function, data relating to the physical and juridical conditions of each registered land parcel for the sake of realizing transparency or openness (principle of publicity) is reasonable if the public is allowed to obtain it. Ideally, land data and information are contained in a complete and clear manner in the Land Book. The existence of the land book as a central information (physical data and juridical data), can provide information on land and future land use plans that have been determined by the government as well as strive to become geographical information that is upgraded into a land information system called Geographical Information System (GIS).

c) Organizing an orderly land administration in which every parcel of land including the transfer, encumbrance and revocation of land rights must be registered. In order to achieve the land administration term, it is natural that every transfer, encumbrance and annulment of land rights must be registered.

Then to support the acceleration of achieving the goal of land registration through the application of the five principles of land registration, as far as possible consistently choose the land registration system to be used. This needs to be disclosed, because theoretically there are three known land registration systems, as follows:

1) Torrens System;

The Torrens system was invented by Sir Robert Trerens with the idea that "whenever someone claims to be the owner of a simple fee either by law or for other reasons, he must submit an application for the land in question to be placed in his name". The Torrens system was implemented for the first time in South Australia, popularized through The Real Property Act or the Torrens Act, which came into effect on July 1, 1858. Today, countries that use the Torrens system include; Australia, Fiji Islands, Canada, Iowa State United States, Yamaika Trinidad, Brazil, Algeria, Philippines, China and several other countries.

The characteristics of land registration using the Torrens System are that land certificates are the most complete and inviolable evidence for land rights holders. It is not possible to change the land book, except if obtaining a land certificate by means of forgery, fraud, or other means that clearly violate the applicable legal provisions. Therefore, the implementation of land registration with the Torrens System requires that:

a. The person who has the right to his land is obliged to apply for land registration so that the land is placed in his name.

b. The existence of research on the rights and objects of land parcels for which land registration is requested for the first time or is called examiner of title, while those who examine the application are Baristers and Comveyancers (checkers of title).

2) Positive System;

Land registration with the Positive System is used in Germany and Switzerland with the assumption that the land certificate is valid as proof of absolute land rights and is used as the only proof of land rights. It means; there can be no other evidence other than land rights certificates issued by the government. Therefore, land registration with a positive system only provides legal protection for people whose names are listed and registered in the certificate. Meanwhile, other parties who are deemed to be more entitled to the plot of land for which a certificate is applied for, will lose their right to demand the cancellation of the certificate.

Thus, the characteristics of land registration with the Positive System, namely guaranteeing perfectly the names registered in the land book. Or in other words, that data on legal subjects recorded in the land book cannot be disputed even if it turns out that it is not the (true) owner who has the right to the land in question. So that the application of land registration with the Positive System seeks to:

a. Perfectly guaranteeing the name registered in the land book cannot be disputed even though he is not the rightful owner. or to the land book given absolute trust.
b. The official behind the name transfer plays a very active role, because it is authorized to investigate whether the registered rights can be registered, whether the required formalities have been complied with or not, as well as the identity of the parties who are the authorized persons.

3) Negative System;

Land registration with a negative system adheres to the Memo Plus Jurist principle, which is to protect land rights holders from the actions of others who will transfer their rights without the actual rights holders knowing. The Negative System assumes that everything contained in the land certificate is considered true until it can be proven a situation that is otherwise (not true) before a court session. So the right to state whether it is true or not is the judge (civil judge assembly) who examines, hears and decides on land ownership cases/disputes. As for the cancellation of land rights certificates concerning the issuance procedure, it becomes the authority of the state administrative court (see Cassation Decision of the Supreme Court of the Republic of Indonesia. No.

184 K/TUN/2013 dated May 23, 2013 between Nurdin Bangun as the plaintiff/comparator/applicant for cassation against the Chief Justice of the Republic of Indonesia). Karo Regency Land Agency Office and Eddy Meliala as defendants/defendant/appealed-appeals/appellant of cassation).

Characteristics of land registration with a negative system, that land registration does not guarantee the truth or certainty of the names registered in the land book as the actual land owners. In this case, the Land Transfer Officer only plays a passive role, meaning that he is not obliged to investigate the truth of the letters (files) submitted to him. The cancellation of the certificate of land rights is still possible by submitting an application (lawsuit) for the cancellation of the name listed in the certificate in question addressed to the Chairman of the State Administrative Court where the object of the dispute is located. Therefore, the negative system requires that:

a. Disputes over land ownership and/or control must be resolved through the courts.
b. Courts (judges/assessments of judges) have the authority to cancel land rights certificates.

Based on the description above, if it is linked to the practice of land registration according to PP. No. 10 of 1960 and PP. No. 24 of 1997 provides an illustration that land registration in Indonesia adheres to a Negative System which contains positive elements. This conclusion is further emphasized through the application of sporadic land registration (implemented at the initiative of the land owner) and systematic (implemented at the initiative of the government), as mandated in Article 13 PP. 19 paragraph (2) PP. No. 24 of 1997, covering:

1) Measurement, mapping and bookkeeping of land;
2) Registration of land rights and the transfer of such rights;
3) Provision of valid proof of rights as a strong evidence.

In this regard, it can be emphasized that in essence a series of activities in land registration is an effort by the government to provide legal guarantees and certainty to registered land parcels and the issuance of certificates as evidence of ownership. However, on the other hand, the government will not limit or hinder the rights of someone who also has stronger evidence on land parcels, while the solution provided is to file a lawsuit or request for cancellation of a certificate of ownership through the courts.

The existence of the said land rights certificate, as an output of land registration. Meanwhile, the land title certificate itself is legally used as an authentic deed (evidence). As for the logical ratio of an authentic deed, it contains an official's statement explaining what he did and what he saw before him. If so, it can be further emphasized that the certificate of land rights is a letter of proof of rights that applies

as a strong evidence because it contains physical data and juridical data from the land parcel in question. Therefore, the certificate of ownership of land has the power of proving the birth of an authentic deed, the power of formal proof of an authentic deed, and the strength of material proof of an authentic deed.

Land Law Policy Reform

On every working day, community members always visit the village/lurah office, sub-district head and court. His arrival at these offices usually looks for a solution to solve the problem of land owned or plots of land that are under his control. Land problems that encourage someone to look for solutions to settlements cannot be separated from the possibility of a void in the norms regulated in various land regulations. This phenomenon is what motivates Maria S.W. Sumardjono[18], revealed that from an empirical perspective it turns out that land problems are very closely related to everyday events. The land problem has become more complex with the issuance of various deregulation and debureaucratization policies.

Then by Abdul Latif [19] explained that policy in the legal sense has the meaning as an action that leads to a goal as the implementation of the authority of government organ officials over the implementation of laws and regulations in the form of implementing regulations (PP) which should exist but can never be implemented in accordance with the purpose of its formation. If so, then policies related to land issues will never be separated from the existence of regulations that are no longer relevant to community development. At the very least, these regulations cannot be implemented consistently and effectively.

If the empirical facts are linked with the views of the two scholars above, it will stimulate a person's healthy thinking to participate in examining at a glance the shortcuts to legal norms contained in the LoGA along with various follow-up regulations that are not or have not been consistently implemented. The results of the study on the consistency of the implementation of the said land regulations, a conclusion was born that several phenomena regulated in the LoGA and the elaborating rules need to be reformed. Efforts to reform land regulations must be put in the form of policies that are oriented to social justice values while still taking into account the private nature and collectivity of land rights.

In this regard, the first infrastructure that deserves attention is directed to the existence of the LoGA as a lex generalist (agrarian) and then it is organized and regulated so that it becomes a national Land Law as a lex specialist (specifically regulating land issues). The new Indonesian Land Law as a result of reform, can be set forth in the form of Laws or Government Regulations. If the chosen legal product is in the form of a law, it means that the DPR.RI participated in compiling it, and if it is stated in the form of a government regulation, it means merely an executive

[18] *Op cit*
[19] *Op cit*

initiative. While the contents of the content regulated in the new National Land Law, among others:

1) The existence of the land itself as a gift from Allah SWT which is used for the greatest welfare for all Indonesian people, both as private rights and in the form of collective rights while still referring to the social function of land rights.
2) Regulation and arrangement regarding the relationship between land and humans (especially the community, people and citizens of Indonesia), as well as between land and legal entities.
3) Regulations and arrangements regarding human legal actions (society, people and Indonesian citizens), including legal entities on land parcels owned or under their control.
4) Provide legal certainty (certificates of land rights) for parcels of land owned and/or under their control through the empowerment of land registration institutions, and the National Land Law no longer regulates the issue of flats.
5) Maintaining the institution of land acquisition and revocation of land rights in order to limit excessive land ownership and/or control, and at the same time attempt to eliminate (exclude from the National Land Law) temporary land rights because they are not directly related to the existence of land rights, like; lease of agricultural land, pawn farm land, and so on).

III. CONCLUSION

Based on the analysis described in the previous section, in this section, "Infrastructure of Justice in Land Law" will be more concreted by first stating that the legal norms contained in the LoGA, which are spread out in various regulations, have factually translated many which cannot be consistently actualized, because the regulated phenomenon has been left behind by the times. Therefore, from now on it is necessary to think about the politics of land law in the context of reforming the National Land Law (lex specialist) which specifically regulates various land issues based on social justice values for the realization of legal goals.

Then examine the legal objectives of the application of priority theory, it can be more concreted that the implementation of each land law norm will always prioritize the realization of the values of justice, then the benefits and legal certainty. The application of priority theory teachings to the realization of justice in the National Land Law is reflected in the obligation of the state (government) to guarantee the creation of legal certainty while protecting land rights holders from other parties. One of the activities that provide legal certainty for the owner or someone who controls certain land parcels is through the empowerment of land registration institutions whose output is in the form of land rights certificates with authentic deed labels as written evidence. This means that all data and information

contained in it must be considered correct, before a court decision with legal force still declares its untruth.

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