

# COMMUNITY LEGAL AWARENESS IN REGISTRATION OF LAND OWNERSHIP RIGHTS (STUDY AT THE ART/BPN OFFICE PADANGSIMPUAN)

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## *Abstract*

*In this millennial era, having a land certificate is very obligatory to avoid things that cause problems or cases regarding land. But with that, there are still people who do not have land certificates, even though this is very important considering how easy it is to manipulate the certification system, as well as the legal awareness that the community has, especially in Padangmatinggi Village, Padangsidimpuani City. So the problems that will be examined in this research are: What is the level of legal awareness of the community in registering their land? What are the obstacles and support factors faced by the community in registering their land? This research is included in the Empirical research typology. The data were collected in two ways, namely interviews and filling out questionnaires and analyzed qualitatively and using the statutory approach and applicable legal principles which became the benchmark in determining public legal awareness. Data from the field were obtained through discussion and through electronic media that focused on the problem. The results of this study show that the community's legal awareness in registering their land is still lacking, there are still many people who do not understand the procedures and legal rules that apply to registering their land. This is prone to conflict conflict and forgery of certificate deeds. The local government must be more active in accelerating land certification, because if the program has been implemented without prior socialization, most people will not know it.*

**Keywords:** *Legal awareness, Community Legal Awareness, Land Registration, Land Certificate.*

## I. INTRODUCTION

Land has a very important position because as the only object of wealth, if it experiences certain conditions, it will remain in its original condition, sometimes even being unprofitable from an economic perspective.<sup>4</sup> The land is also a place for families and communities to live, provides livelihoods, and is a place where residents who die are buried; according to belief, it is also the residence of the protective Gods and where the spirits of the ancestors reside. As human nature requires land as a place for activities and earning a living, the relationship between humans and land is inseparable. So, close that it gives birth to stronger relationships, namely: social, emotional, and spiritual.

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<sup>4</sup> Bashar Muhammad. *Pokok-pokok Hukum Adat*, Jakarta: Pradnya Paramita, 2000, p. 21.

Land for society has a close relationship with a person's welfare and the development of family and group life. Apart from having economic value, land also intrinsically contains high and significant value, land can indicate a person's level of social status. The more land a person owned, the higher his social status.

Agrarian law is a group of various legal fields, each of which regulates control rights over certain natural resources which are included in the definition of agrarian. Groups of various specific fields consist of:

1. Land Law, which regulates control rights over land, in the sense of the earth's surface Water Law, which regulates control rights over water.
2. Mining Law, which regulates control rights over minerals as intended in the main mining law.
3. Fisheries Law, which regulates control rights over natural resources contained in water.
4. The Law on Control of Energy and Elements in Space, regulates control rights over energy and elements in space, regulates control rights over energy and elements in space as intended in Article 48 of the UUPA.<sup>5</sup>

Increasingly advanced developments place land in an important aspect of society which is increasingly dynamic as it is today, so legal certainty becomes an important factor. We will get the terms of ownership if we register the plot of land in question with the government. There are several land registration methods that we can take, namely, "systematic registration" and "sporadic registration". Systematic land registration is based on a work plan and is carried out in areas determined by the minister, while sporadically it is carried out at the request of interested parties.<sup>6</sup>

Land registration is regulated in Article 3 PP No. 24 of 1997, which explains the objectives of land registration, namely:

1. To provide legal certainty and legal protection to holders of rights to a plot of land, residential units, and other registered rights so that they can easily prove themselves as holders of the rights in question.
2. To provide 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 and apartment units.
3. For the orderly implementation of land administration.<sup>7</sup>

Land registration requires the collection and processing of physical data which is carried out through measurement and mapping activities. The mapping activities as intended in paragraph (1) include:

1. Creation of a registration base map.
2. Determining the boundaries of land parcels.
3. Measuring and mapping land plots and making registration maps.
4. Making a land register.
5. Making measurement letters.<sup>8</sup>

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<sup>5</sup> Urip Santoso, *hukum agraria dan hak-hak atas tanah*, Surabaya, Prenada, 2005, p. 6.

<sup>6</sup> Moh.Hatta, *bab-bab tentang perolehan dan hapusnya hak atas tanah*, Yogyakarta, Liberty Yogyakarta, 2014, p. 31

<sup>7</sup> Supardi, *Hukum Agrari*, Jakarta, Sinar Grafika, 2010, p. 165

<sup>8</sup> Pasal 14 PP Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah

By looking at the news above, it is interesting to examine the level of public awareness regarding land registration, whether they are aware that it is mandatory to register land, whether they experience certain obstacles, then what factors hinder the implementation of land registration, or are there other efforts being made? public. Legal awareness revolves around the members of society and is a determining factor in applying the law itself. Initially, the problem of legal awareness arose while implementing the written law.<sup>9</sup>

## II. DISCUSSION

### **Level of Community Legal Awareness in Registration of Land Ownership Rights in Padangmatinggi Village, South Padangsidimpuan District, Padangsidimpuan**

The Indonesian government has implemented the PTSL program, namely Complete Systematic Land Registration. PTSL is a land registration process for the first time, which is carried out simultaneously and covers all land registration objects that have not been registered within a village or sub-district area or other names at that level. Through this program, the government guarantees legal certainty or rights to community land. The program in question falls under the legal umbrella of Regulation of the Minister of Agriculture and Spatial Planning or the Head of the National Land Agency No. 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration and Presidential Instruction No. 2 of 2018 concerning the Acceleration of Complete Systematic Land Registration in All Territories of the Republic of Indonesia. Thus, the program has been expressed as legal regulations that require the community to implement it. By its function, the law can change the conditions of society for the better. By the law, people's lives will be orderly and there will be no conflicts if they obey the rules of the law. Thus, to achieve this target, all elements of society must be aware of being able to implement these legal regulations.

Legal awareness is an abstract concept from humans regarding the harmony between appropriate order and peace. In other words, to achieve harmony between order and peace, there must be awareness to act by the rules and regulations that are considered correct according to state regulations or law.

South Padangsidimpuan District, Padangmatinggi Village with 985 Family Cards has a total of 925 registered Land Ownership Certificates. Based on the table above, it can be concluded that the level of legal awareness of the Padangmatinggi community regarding registering land at the ATR/BPN office in Padangsidimpuan City is high.

With the issuance of Government Regulation Number 24 of 1997 concerning Land Registration, which is a government policy, it is hoped that the public will act following the provisions contained in this law. For the community to act in accordance with the provisions or regulations that have been established, we should see whether the regulations regarding land registration have been conveyed to the community or not, thereby creating motivation for the community, especially the people of Padangmatinggi Village, to register their land.

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<sup>9</sup> Soerjono Soekanto, *Kesadaran Hukum & Kepatuhan Hukum*, Rajawali, Jakarta, 1982, p.145

People who understand and understand the importance and use of land registration, especially people in Padangmatinggi Village, namely to obtain certificates and legal guarantees. People are starting to be interested and want to register their land, but in reality, there are many obstacles in registering land, especially in terms of cost and time.

### **Efforts Made by the Government to Increase Community Compliance in Padangmatinggi Subdistrict in Registering Land Ownership Rights**

The government or state as the organizer of land registration, with this activity the government can easily find out and obtain the data needed to carry out legal actions regarding land issues and can find out all the land in the homeland area that has been registered so that in this way it will be known clear legal certainty, namely regarding land owned by a person or legal entity or land controlled by certain agencies. Land that has not been certified, this land can be customary land or state land. To obtain rights to the land, the community must apply for land registration. With the registration application, the land owner can be given land rights or a certificate.

The land certificate provided will provide meaning and an important role for the holder of the right in question because it can function as a means of proving land rights, whether there is a dispute over the land in question or can also function as collateral for repayment of a debt at the bank. Therefore, land certificates must be stored and maintained properly so that detrimental things do not happen to the holder of the land rights themselves, for example, because the certificate is lost or damaged.

In carrying out land registration, the role of the community is very necessary because the initiative for land registration comes from the land owner or the community itself.

In carrying out land registration, the participation of the community in carrying out land registration is inseparable from those who understand land law, with an understanding of land law, the implementation of land registration becomes smooth to avoid obstacles in the smooth implementation of land registration.

The Land Office is one of the government agencies tasked with serving the community's needs regarding land. In the name of serving the community's needs, there are many problems that must be resolved, it is expected that people who register their land will queue up to wait their turn for the processing they request. The desire or request for fast service is due to certain reasons so that people are encouraged to take care of the certificate. In processing a certificate, a person must prepare the necessary documents, appear before certain officials, all of this requires sufficient time.

Based on the results of research conducted by the author, obstacles in implementing land registration will result in difficulties in providing services to community needs which will ultimately be detrimental to the community itself. These obstacles result in services that take a long time and cost more. With the existing obstacles, people often ignore the applicable regulations, for example, if there is a case where land is already owned by someone but is sued by another party or other people, while they cannot prove ownership of the rights to the land, especially if they cannot provide written evidence or certificate. So, with land registration, each community member will be given written evidence in the form of a certificate so that their land gets legal protection for land rights.

### III. CONCLUSION

Land registration requires awareness from the community itself, in Padang Matinggi Village interest in registering land is quite large but efforts are still needed from the government to increase community compliance in carrying out land registration, including:

- a. Holding outreach in every sub-district that land registration is important for the community to obtain a certificate as strong evidence to protect their rights from people who do not have good faith in their rights.
- b. Eliminate the habit of people registering land if they feel the need for a land certificate, including selling it, using it as collateral at the bank and so on.
- c. Improving services at the Land Office.

Meanwhile, regarding costs, the Land Office is with the applicable regulations, namely those set by the Government. If the land registration fee is an issue, it is by existing regulations, so cost is not an inhibiting factor or reason for land not being registered. Another thing is the main key as an effort to overcome the various obstacles that exist in the implementation of land registration, both the Government, namely the Padangsidempuan City ATR/BPN Office and other agencies involved in land registration, namely the District Office and Village Office, should make efforts to ensure the condition of the certificate Land rights can be a necessity that cannot be ignored by society.

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