

Government Efforts To Prevent Overlaps In Certificate Issuance Through Measurement And Mapping

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Abstract Land registration is carried out by the government for the benefit of the people in order to provide guarantees of legal certainty in the field of land, which is carried out by the Land Office. Likewise with the transfer of rights, registration must also be carried out, so that the transfer of ownership of said rights can be recorded in the land book stating that the rights to the land have been transferred from the first owner to the next owner of the right through the process of transferring names. This study uses a normative juridical approach, namely: a way to find out the enactment of law in statutory regulations. Starting from an analysis of legal issues both from books and laws and regulations related to this research. Government efforts to prevent overlap in issuing certificates. To prevent overlap/overlapping in the issuance of certificates, the Government must make a decision that the only institution that takes care of land administration is the National Land Agency and other institutions only follow the instructions or regulations issued by the BPN. The basis for the establishment of BPN is Presidential Decree No. 26 of 1988. As an operational guide for BPN, the leadership of this institution then issued SK No. 11/KBPN/1988 in conjunction with Decree of the Head of BPN No. 1 of 1989 concerning the Organization and Working Procedures of BPN in Provinces and Regencies/Municipalities. Normatively, BPN is the only institution or institution in Indonesia that is given the authority to carry out the mandate in managing the land sector. The government has also strengthened the role and position of BPN by establishing Deputy V to specifically study and resolve land disputes and conflicts. According to the regulation of the Head of BPN-RI No. 3 of 2006 concerning the organization and work procedures of the BPN-RI, the study and handling of land disputes and conflicts is the field of Deputy V who is in charge of: 1) Directorate of land conflicts. 2) Directorate of land disputes. 3) Directorate of land cases (Article 346 Regulation of the Head of BPN-RI No. 3 of 2006)

Keywords : Bureaucracy Reform Law, Public Service Quality Improvement, National Narcotics Agency.

I. INTRODUCTION

The state as the ruler over all natural resources, including land as regulated in Article 33 of the Amendments to the 1945 Constitution, through Law Number 5 of 1960 concerning Basic Agrarian Provisions (hereinafter referred to as the UUPA) has made arrangements in terms of land ownership legally. juridical including in terms of transition. To guarantee further legal certainty, the provisions of Article 23 paragraph (1) of the UUPA require registration to be carried out as the article reads, namely that: referred to in Article 19 of the UUPA".

One of the objectives of establishing the Basic Agrarian Law was to lay the foundations for providing legal certainty and protection regarding land rights for the entire Indonesian people. In order to realize this, land registration is carried out. Land registration in the Basic Agrarian Law is regulated in Article 19.

The land registration process is carried out through three stages of activity, namely the collection and processing of physical data, the collection and processing of juridical data and the issuance of documents proof of rights. In collecting and processing juridical data, namely by examining evidence of land ownership. For old rights obtained from the conversion of existing rights at the time the LoGA came into effect and/or these rights have not been registered according to Government Regulation Number 10 of 1961 concerning Registration Land, namely in the form of written evidence, witness statements and/or statements

Land registration is carried out by the government for the benefit of the people in order to provide guarantees of legal certainty in the field of land, which is carried out by the Land Office. Likewise with the transfer of rights, registration must also be carried out, so that the transfer of ownership of said rights can be recorded in the land book stating that the rights to the land have been transferred from the first owner to the next owner of the right through the process of transferring names.

In concrete cases, the implementation of land registration makes it possible for holders of land rights to easily prove their right to the land under their control, which the Adjudication Committee/Head of Land Office

considers to be sufficient to register their rights. As a result of the land registration process, the holder of registered land rights is given a letter of proof of title called a certificate. The implementation of land registration makes it possible for holders of land rights to easily prove their rights to the land they control.

The provisions in Article 19 paragraph (1) of the UUPA are provisions aimed at the government to carry out land registration throughout Indonesia, which at the same time is also the legal basis for the implementation of land registration in order to obtain a certificate of proof of land rights that applies as a strong means of proof. .

To follow up on this matter, Government Regulation Number 24 of 1997 concerning Land Registration was issued, as a refinement of the previous Government Regulation. The implementation of land registration within the community is the task of the State which is carried out by the Government for the benefit of the people, in order to provide the status of land rights in Indonesia. Land issues have long been a complicated and complex legal issue and have broad dimensions in both developed and developing countries, so it is not easy to solve quickly.

Land is a basic need in the implementation of human productive activities, both as a container and as a factor of production. Indonesia as a developing country where most of its people depend on the agricultural sector also experiences the same problem. Land as one of the agricultural sectors is an important factor for Indonesian society.

Such is the importance of land for human life, therefore it is not surprising that every human being wants to own and control it. This feeling of wanting to control often causes land problems and disputes to arise in social life.

In accordance with the mandate of Article 19 of the UUPA, every land must be registered at the local land office. With this land registration, one can easily obtain information regarding a piece of land, such as what rights are owned, how large is the location of the land, is it encumbered with mortgage rights and most importantly, the land will receive a certificate as proof of rights.

Measurement and mapping of land parcels is the basic activity in issuing a land certificate. The purpose of measuring and mapping land parcels is to produce a map of land parcels which contains information regarding the location, boundaries and area of a parcel of land.

It is undeniable that, in the reality of life in the midst of society, there is the fact that there are still many land disputes that originate from the absence of legal certainty in land parcels, such as the existence of disputes/cases in the field of land as a result, either because land rights have not been registered or after land rights have been registered, in meaning after the land is certified. For this reason, measurement and mapping which of course must be able to provide certainty to prevent overlap in the issuance of certificates

II. METHOD

According to Sutrisno Hadi, research is an attempt to find, develop and test the truth of a knowledge, which effort is carried out using scientific methods. Research is a principal tool in the development of science and technology. This is due, because the research aims to reveal systematically, methodologically, consistently. Through this research process analysis and construction of the data that has been collected and processed is carried out. This study uses a normative juridical approach, namely: a way to find out the enactment of law in statutory regulations. Starting from an analysis of legal issues both from books and laws and regulations related to this research.

III. RESULT AND DISCUSSION

Government Efforts to Prevent Overlap in the Issuance of Certificates.

In welcoming the Era of Globalization, the State of Indonesia which is currently led by President Joko Widodo is carrying out developments in various fields and the State of Indonesia as a developing country continues to actively carry out development to catch up with other developed countries. Various programs that have been carried out by the government related to the development program involve all Indonesian people from all walks of life and cover all aspects of people's lives, both material and spiritual.

This development has the main characteristics, namely the existence of a development program that is carried out in stages and continuously within a certain period of time. With the existence of national development which continues to be actively carried out by the Indonesian people, today Indonesia is one of the developing countries which is experiencing quite rapid progress in various fields. Along with that, the increasing needs of life that must be met.

The Indonesian government, in particular the National Land Agency (BPN) has the responsibility to immediately carry out the land certification process for uncertified land parcels through land registration activities. The target of the central government program as stated in the National Medium-Term Development Plan (RPJMN), the government targets that in 2024 it can be fully implemented, because progress is quite slow, so to be able to meet the target, one way to accelerate the One Map Policy, especially in the Land sector is a

policy of changing service registration of land rights throughout the Indonesian Land Office which has been in effect since September 2016, based on Circular Letter Number 13/SE/XII/2017 concerning Utilization of the Land Service Application "Touch My Land".

The policy requires that every certificate that will be processed at the Land Office must be plotted first without exception. Plotting itself is the process of verifying the authenticity of land certificates using GPS technology, which is intended to determine the original position of land in the BPN registration map database.

Plotting of land parcels is the result of digital redrawing (digitalization) of the Measurement Letter (SU) which is mapped onto a land registration map. During the plotting process, the shape, size or position of the land parcels are adjusted to match the condition of the land parcels on the registration map, so that the registration map has spatial completeness and there are no overlapping or empty land parcels.

For land whose certificates cannot yet be issued, security must also be carried out, namely by marking the land plot map at the Land Office, such as in the form of a Land Plot Map (PBT) or Temporary Identification Number (NIS). The marking of land parcels is very important to prevent land problems such as overlapping and land disputes.

To obtain guarantees of legal certainty and certainty of land ownership rights, the public, including State Property Land Users (BMN), need to register land in order to obtain a certificate of land rights which functions as a strong means of proof of ownership of land rights. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 33 of 2016 concerning Licensed Cadastral Surveyors, one of whose policies regulates certificate mapping (plotting).

This Ministerial Regulation is prepared based on the principles of legal certainty, legal protection, professionalism, transparency, fairness, as well as ethics and accountability. The results of the survey and mapping of land parcels must meet the following requirements:

- a) Can be mapped in the Registration Base Map;
- b) Shape and size according to the shape and size of the actual object in the field;
- c) The boundaries can be reconstructed in the field;
- d) Not partially or completely overlapping with previous survey and mapping results.

Furthermore, in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021 concerning the Third Amendment to the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 regarding land registration in Article 43 is stated as follows:

(1) Land parcels that have been registered but have not yet been mapped must be plotted on a land registration map.

(2) In the event that there are registered land parcels whose position on the land registration map has not been accurately mapped, it must be re-mapped (replotting).

(3) Mapping (plotting) and re-mapping (replotting) as referred to in paragraph (1) and paragraph (2) is carried out through the following activities: a. improvement/increase in the quality of land data; b. request from the party concerned; or c. other activities in the context of implementing electronic services

A certificate according to Article 1 Government Regulation Number 24 of 1997 is a proof of title as referred to in Article 19 paragraph (2) letter c of the BAL for land rights, management rights, waqf land, ownership rights to flats units and mortgage rights, each of which each has been recorded in the relevant land book.

A certificate of land rights proves that a person or a legal entity has a right to a plot of land and a measurement certificate. A certificate that has not been equipped with a measuring letter is called a temporary certificate which is just equipped with a picture of the situation as an object guide. The certificate of ownership of the apartment unit consists of a copy of the land book and measurement letter for the common land accompanied by a drawing of the level plan of the apartment concerned, and a dispute regarding the size of the share of the rights to the common land, shared shares and shared objects.

The function of land title certificates (property rights) according to the UUPA is strong evidence for the owner, meaning that as long as it cannot be proven otherwise the physical data and juridical data contained therein must be accepted as true data.

In its development, land conditions are limited while the population continues to grow rapidly, so naturally the number of people who want to utilize the land becomes unbalanced with the condition of the land. In such circumstances, without strict regulation, land often becomes a "problem" for humans, whether it is caused by fighting over rights, wrong utilization, and so on.

On the other hand, the government itself needs land tenure data for development planning and implementation, especially those involving landowners. Apart from that, it is also necessary to withdraw tax on land, so it is absolutely necessary to have data on land ownership in the form of maps and lists.

To realize legal certainty over land, land registration for the purpose of legal certainty (legal cadastre) emerged. The target is plots of land that are controlled by a right and are known as private land or plots of land which are then measured, mapped and investigated by the holders of the rights. The result is in the form of maps and lists that provide an explanation of who the rights holders are, their location and extent (cadastral data). To provide legal certainty and legal protection, holders of land rights are given certificates as proof of land rights. UUPA does not mention the name of the certificate of proof of land rights registered. It was only in Article 13 paragraph 3 of Government Regulation Number 10 of 1961 that the certificate of proof of land rights that was registered was called a certificate, namely a copy of the land book and measurement letter after it had been sewn together with a cover paper whose shape was determined by the Minister of Agrarian Affairs.

In Article 1 number 20 of Government Regulation Number 24 of 1997, it has been stated that a certificate is a proof of title as referred to in Article 19 paragraph (2) letter c of the UUPA for land rights, management rights, waqf land, ownership rights to flats units and mortgage rights, each of which has been recorded in the relevant land book. So the certificate is a proof of right that applies as strong evidence. When viewed from the meaning of the certificate itself, the certificate is proof of land rights, issued by the government in the context of implementing land registration according to the provisions of the laws and regulations. A certificate of land rights proves that a person or a legal entity has a right over a certain plot of land. A certificate of land rights proves that a person or a legal entity has a right over a certain plot of land.

The fact that a person or a legal entity physically controls and uses the land in question does not immediately prove that he has the right to the land in question.

The existence of sale and purchase documents, does not necessarily prove that the buyer really has the rights to the land he bought. Moreover, there is no authentic evidence that the seller is indeed entitled to the land he is selling. In addition to the notion of an authentic certificate given by law, there is also a notion of a certificate given by scholars. One of them is K. Wantjik Saleh who stated that the certificate is a copy of the land book and measurement letter after being bound together with a cover paper whose shape is determined by the Minister.

From the above understanding, the author is of the opinion that a certificate is a letter of proof of rights that is bound and issued by the Land Office, which acts as a strong means of proof regarding the physical data and juridical data contained therein, where the data is in accordance with the data contained in the measurement letter. and the relevant land book.

From the description above, a certificate as a strong means of proof means that as long as it is not proven otherwise, the physical data and juridical data contained therein must be accepted as true data. Of course, the physical data as well as juridical data listed in the certificate book must match the data listed in the relevant land book and measurement certificate because the data is taken from the land book and measurement certificate.

Thus the certificate as an authentic deed has perfect evidentiary power, in the sense that the judge must be bound by the data stated in the certificate as long as the other party cannot prove otherwise. This is related to the publication system adopted by Indonesian land law, both Government Regulation Number 10 of 1961 and Government Regulation Number 24 of 1997, namely a negative publication system that contains positive elements because it will produce letters of proof of rights (certificates) that act as a means of strong evidence. So there is no positive publication system, because according to the positive publication system, what is stated in the land registration book and the letters of proof of rights issued are absolute means of proof. Third parties (in good faith) who act on the basis of such evidence do not receive protection, even though it later turned out that the information contained therein was not true.

The purpose of issuing a certificate is for the benefit of the right holder based on physical data and juridical data as registered in the land book. The existence of a certificate can be authentic evidence from the certificate holder so that if there is another party who thinks that the land is his, the certificate holder has strong evidence that legally he is the owner of the land.

According to the National Land Agency (BPN), multiple certificates generally occur on land that is still vacant or not yet developed.

The appearance of duplicate certificates is caused by several things as follows:

- a. When measuring or researching in the field, the applicant intentionally or unintentionally indicates the wrong land location and land boundaries.
- b. There is a letter of evidence or acknowledgment of rights which turns out to contain untruth, falsification or is no longer valid.
- c. There is no land registration map available for the area concerned

Whereas a double certificate is a certificate of ownership obtained legally or illegally which at any time may give rise to a legal consequence (dispute) for the subject of the right or the object of the right. This dual certificate is a proof of ownership of land rights issued by the BPN legal institution which is issued on one object of rights overlapping one land object in part or in whole, which may result in a legal consequence.

According to Ali Achmad Chomzah, multiple certificates are defined as certificates describing the same plot of land. So thus one plot of land is described with 2 (two) certificates or more with different data. This is usually

referred to as an overlapping certificate, either overlapping the entire plot or overlapping a portion of the land. Double certificate is the occurrence of a plot of land having 2 land certificates owned by 2 different people. In principle, each piece of land has a single position in this hemisphere. No 2 plots of land have the same position. Thus every plot of land that has been certified or registered with the National Land Agency (BPN) should receive the same protection against the registration of that parcel of land.

Double certificates on land are certificates issued by BPN which are due to data collection errors when measuring and mapping the land, so that multiple certificates are issued which have an impact on the occupation of the land as a whole or as land belonging to other people. When viewed from the meaning of the certificate itself, the certificate is proof of land rights, issued by the government in the context of implementing land registration according to the provisions of the laws and regulations.

The fact that a person or a legal entity physically controls and uses the land in question does not immediately prove that he has the right to the land in question. The existence of sale and purchase documents, does not necessarily prove that the buyer really has the rights to the land he bought. Moreover, there is no authentic evidence that the seller is indeed entitled to the land he is selling. It is in this context that illegal occupation of land occurs through evidence in the form of documents (certificates) whose legal certainty cannot be guaranteed. From the above opinion, it can be said that a dual certificate is a certificate of ownership obtained either legally or illegally which at any time may give rise to a legal consequence (dispute) for the subject of the right or the object of the right.

A dual certificate is a proof of ownership of land rights issued by a legal institution (BPN) which consists of one object of overlapping rights between one land object in part or in whole, which can result in a legal consequence. In this context, illegal land occupation occurs through evidence. in the form of documents (certificates) whose legal certainty cannot be guaranteed. This Double Certificate occurs because the certificate is not mapped on the land registration map or the situation map of the area. If a land registration map or situation map at each Land Office is made, and or a situation is drawn/a measurement letter is made on the map, then the possibility of duplicate certificates will be very small.

In discussing the definition of multiple certificates as described above, the underlying reason for the occurrence of multiple certificates is the result of a recording error when officers carry out measurements and mapping. As for similar matters, as mentioned by Sugiarto, a dual certificate is a certificate issued by more than one in one field. land by the Land Office, resulting in the ownership of land parcels with overlapping rights, in whole or in part.

The land registration system used in Indonesia has essentially been stipulated in the Basic Agrarian Law (UUPA), namely that land registration is carried out in order to guarantee legal certainty in the land sector and that the publication system is a negative system, but one that contains positive elements, because will produce letters of evidence of rights that apply as a strong means of proof. This has been confirmed in Article 19 paragraph (2) letter c and in Article 32 paragraph (1) PP No. 24 of 1997.

Based on these provisions, Government Regulation No. 24 of 1997 Article 32 paragraph (2) that a certificate is a strong evidentiary tool that can be used as evidence in court in the event of a land dispute. Land disputes can occur if the presentation of juridical data and physical data is not done correctly.

A certificate held by a person does not yet show that person as the actual rights holder. At any time it can be canceled if it turns out that there is another party who can legally prove that he is the real owner. As a result of the issuance of multiple certificates, who has the authority to cancel one of the 2 certificates is decided by the court to determine, assess, and decide who has the right to own the land in dispute based on the evidence and testimony of witnesses.

The reason for the annulment is due to defects in administrative law and/or to implement a court decision that has permanent legal force, because the right holder does not fulfill the conditions set out in the Decree on the Granting of land rights, and because of an error in the Decree on the Granting of the right in question.

Legal certainty Gustav Radbruch shows that legal certainty is certainty in the law itself which is legislation. Based on the Regulation of the Minister of Agrarian Affairs/Head of BPN No. 9 of 1999 Article 1 point 14 "cancellation of land rights is the cancellation of a decision to grant a land right or certificate of land rights because the decision contains administrative legal defects in its issuance or to carry out a court decision that has obtained permanent legal force," then the cancellation of the certificate through the courts, as TUN dispute resolution is aimed at civil law persons or entities who are dissatisfied with the decision handed down by the TUN Agency or Officer, may submit administrative efforts to the TUN Agency or Officer.

Court decisions regarding the abolition of a right must be carried out first by an authorized official, before being registered by the Head of the Land Office (Article 55 Paragraph (3) PP No 24 of 1997). The TUN legal principle for those concerned must be given the opportunity to file a lawsuit in court. The emergence of a dispute issued by a TUN decision is a TUN dispute with a TUN decision being issued. There must always be a causal relationship, without a TUN decision being issued, it is impossible until there is a TUN dispute. So in

Government Regulation no. 24 of 1997 in Article 32 paragraph (2) provides an opportunity for parties who feel more entitled to prove that they are the real owners of the land in question, so that whoever wins in the trial has guaranteed legal certainty.

On the other hand, the occurrence of multiple certificates has indirectly opened up opportunities for violations of the law such as counterfeit certificates, abuse of certificates, multiple certificates influenced by internal and external factors.

Internal factors include:

1. Internal Factors:

a) The lack of functioning of the supervisory apparatus so that it provides opportunities for subordinate officials to act in a deviant manner in the sense of not carrying out their duties and responsibilities according to their oath of office.

b) The inaccuracy of the Land Office officials in issuing land certificates, namely the documents that form the basis for the issuance of certificates are not examined carefully, which may mean that these documents do not meet the requirements as determined by the applicable laws and regulations.

c) The provisions in the Basic Agrarian Law and its implementing regulations are not consistently, consistently and responsibly implemented, aside from the fact that there are still people who act for personal gain without regard to the rights of others.

2. External factors include:

a) Communities still do not know the laws and regulations regarding land, especially regarding the procedures for making land certificates.

b) The supply of land is not in balance with the number of applicants who need land.

c) Development causes the need for land to increase while the supply of land is very limited, thus encouraging the shift in land function from agricultural to non-agricultural land, resulting in soaring land prices.

It can be concluded that, the government's efforts to prevent overlap / overlap in the issuance of certificates. The basis for the establishment of BPN is Presidential Decree No. 26 of 1988. As an operational guide for BPN, the leadership of this institution then issued SK No. 11/KBPN/1988 in conjunction with Decree of the Head of BPN No. 1 of 1989 concerning the Organization and Working Procedures of BPN in Provinces and Regencies/Municipalities. Normatively, BPN is the only institution or institution in Indonesia that is given the authority to carry out the mandate in managing the land sector.

The government has also strengthened the role and position of BPN by establishing Deputy V to specifically study and resolve land disputes and conflicts. According to the regulation of the Head of BPN-RI No. 3 of 2006 concerning the organization and work procedures of the BPN-RI, the study and handling of land disputes and conflicts is the field of Deputy V who is in charge of:

1) Directorate of land conflicts

2) Directorate of land disputes

3) Directorate of land cases (Article 346 Regulation of the Head of BPN-RI No. 3 of 2006)

The National Land Agency always strives for solutions to settle land disputes based on applicable laws and regulations by taking into account the sense of justice and respecting the rights and obligations of each party. The dispute resolution steps that they or the BPN take are deliberations. Likewise in multiple certificate disputes, BPN also has the authority to negotiate, mediate and facilitate the parties to the dispute and initiate an agreement between the parties. BPN regional offices, namely in Provinces and Regencies/Municipalities, can only arrive at a decision on solving the problem, while the follow-up of land administration is still carried out by the Central BPN.

To minimize land disputes, in this case multiple certificates, the role played by BPN as a public servant includes:

1) Review and manage data to resolve cases in the land sector.

2) Accommodate community complaints if there is a dispute over land and try to resolve it amicably by going to the field to conduct a re-measurement involving the disputing parties and related village officials.

3) Review and prepare a draft decision regarding the settlement of land disputes

4) Review and prepare a draft decision on the cancellation of administratively flawed land rights and based on the peace deed above

5) The results of the settlement are marked and formulated in the Minutes of settlement of land disputes witnessed by village officials and village elders, and if necessary strengthened through a Deed of Peace drawn up by an in the presence of a Notary.

6) If the above encounters problems and there is no agreement between the disputing parties, the last resort is inviting the disputing parties to take legal action in accordance with the applicable provisions.

7) Prepare response memory materials, prepare appeal memory, cassation memorandum/counter memory, cassation review memory/counter memory on cases filed through the judiciary against individuals and legal entities that harm the state.

8) Collect data on land issues and disputes.

In practice, settlement of land disputes is not only carried out by the National Land Agency but can also be resolved by the General Courts and State Administrative Courts. If the general court focuses more on civil and criminal matters in land disputes, it is different from the State Administrative Court which resolves land disputes related to decrees issued by the National Land Agency or other regional officials relating to land.

It can be concluded that, to prevent overlap in the issuance of certificates. The government must make a decision that the only institution that takes care of land administration is the National Land Agency and other institutions only follow the instructions or regulations issued by the BPN. The land registration map, which is the land registration database owned by BPN, should be utilized properly so that land with multiple certificates will not appear again.

Obstacles encountered in measurement and mapping related to the issuance of certificates.

Certificates as strong evidence, not as absolute evidence, this relates to the publication system adopted by Indonesian land law, both Government Regulation Number 10 of 1961 and Government Regulation Number 24 of 1997, namely a negative publication system that contains positive elements because it will produce valid proof of rights (certificates) as a strong means of proof.

The legal basis for the strength of a certificate of proof is contained in Article 32 paragraph (1) Government Regulation Number 24 of 1997, as follows: "A certificate is a letter of proof of rights that applies as a strong means of proof regarding the physical data and juridical data contained therein, as long as the data the physical and juridical data are in accordance with the data contained in the measurement certificate and land title book concerned.

According to the elucidation of the article, a certificate is a sign of strong evidence, in the sense that as long as it cannot be proven otherwise, the physical and juridical data contained therein must be accepted as true data. Of course, the physical data as well as juridical data listed in the certificate must match the data listed in the relevant land book and measurement certificate, because the data is taken from the land book and measurement certificate.

As a continuation of the provision of legal protection to the holders of said title certificate, it is stated in Article 32 paragraph (2) of Government Regulation Number 24 of 1997 which reads: "In the event that a land parcel has been legally issued a certificate in the name of the person or legal entity that acquired the land in good faith and actually control it, then other parties who feel they have rights over said land can no longer demand the implementation of said rights if within 5 (five) years since the issuance of the certificate does not submit a written objection to the certificate holder and the Head of the Land Office concerned or not submitting a lawsuit to the Court regarding the ownership of the land or the issuance of the certificate.

The publication system adopted in registration in Indonesia is a negative publication system with a positive tendency. This system was chosen because of the character of Indonesian land law which is communal in the sense that apart from being individually owned the land must still have a social function in the sense that a person must really cultivate his land in accordance with the allotment and such exploitation must not harm other people. the government through Article 32 PP No. 24 of 1997 concerning Land Registration has begun to apply that land certificates that have been issued for 5 years are a strong means of proof.

In line with that, according to Urip Santoso, land ownership certificates can be used as strong even absolute proof of rights if they meet the following criteria:

- 1) Certificate of title to the land is legally issued in the name of a person or legal entity;
- 2) That the land was acquired in good faith;
- 3) That the land is actually worked; And
- 4) That within 5 (five) years since the issuance of the certificate no one has submitted a written objection to

The certificate holder and head of the local regency/municipality land office did not file a lawsuit in court regarding the possession or issuance of the certificate. The criteria that must be met so that a certificate of ownership of land can be used as strong evidence of rights other than what has been described above is that in the process of issuing the certificate, the procedures for the provisions of the applicable laws and regulations must be followed.

The provisions of the laws and regulations in question are Government Regulation Number 24 of 1997 concerning land registration and Minister of Agrarian Regulation / Head of the National Land Agency Number 3 of 1997 concerning implementation of government regulation Number 24 of 1997 concerning Land Registration. Certificates of land ownership rights are made by right-holders who have good faith, certificates of land ownership rights are issued by authorized officials and land objects are controlled and actually worked on continuously for more than 5 years.

Measurement of a plot of land that turns out to be wrong and not the same as in the field and does not match the certificate map layout results in the head of the Land Office being administratively responsible as stipulated in Article 63 PP 24/1997 that if in carrying out his duties he neglects the things that have been regulated in the

PP provisions 24/1997 and provisions in its implementing regulations and other provisions, the head of the Land Office is subject to administrative sanctions in accordance with the applicable laws and regulations.

However, if in the measurement of the registration base map, registration map and measuring drawings there is a technical error in the measurement data, the head of the Land Office can correct the error by then making an official report for the correction, as stipulated in Article 41 paragraphs (3) and (6) of the Ministerial Regulation Agrarian Affairs/Head of BPN 3/1997.

The inhibiting factors in land registration and measurement are:

1. The factor of limited public knowledge of land registration procedures.
2. There are differences in documents or the occurrence of different facts between the physical and juridical documents.
3. Data from the history of the land is incomplete.

IV. CONCLUSION

- a. Government efforts to prevent overlap in issuing certificates. To prevent overlap/overlapping in the issuance of certificates, the Government must make a decision that the only institution that takes care of land administration is the National Land Agency and other institutions only follow the instructions or regulations issued by the BPN. The basis for the establishment of BPN is Presidential Decree No. 26 of 1988. As an operational guide for BPN, the leadership of this institution then issued SK No. 11/KBPN/1988 in conjunction with Decree of the Head of BPN No. 1 of 1989 concerning the Organization and Working Procedures of BPN in Provinces and Regencies/Municipalities. Normatively, BPN is the only institution or institution in Indonesia that is given the authority to carry out the mandate in managing the land sector. The government has also strengthened the role and position of BPN by establishing Deputy V to specifically study and resolve land disputes and conflicts. According to the regulation of the Head of BPN-RI No. 3 of 2006 concerning the organization and work procedures of the BPN-RI, the study and handling of land disputes and conflicts is the field of Deputy V who is in charge of:
 - 1) Directorate of land conflicts
 - 2) Directorate of land disputes
 - 3) Directorate of land cases (Article 346 Regulation of the Head of BPN-RI No. 3 of 2006)
- b. Obstacles encountered in measurement and mapping related to the issuance of certificates include:
 - 1) The factor of limited public knowledge of land registration procedures.
 - 2) There are different facts between the physical and juridical documents.
 - 3) Data from the history of the land is incomplete.

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