

Juridical Analysis of Policy on Issuance of Evidence

by Jurnal 6

Submission date: 18-Mar-2024 02:05PM (UTC-0400)

Submission ID: 2323938051

File name: earch_Study_In_Land_Office_Tanjung_Pinang_City_ijariie18716.pdf (366.47K)

Word count: 7095

Character count: 37238

Juridical Analysis of Policy on Issuance of Evidence of Land Rights (Certificates) Due to Loss to Confirm Legal Certainty (Research Study In Land Office Tanjung Pinang City)

Yudith Satria¹, Idham², Darwis Anatami³, Fadlan⁴, Erniyanti⁵

¹ Student, Master In Law, Universitas Batam, Batam, Indonesia

^{2,3,4,5} Lecture, Faculty of Law, Universitas Batam, Batam, Indonesia

ABSTRACT

Land certificates are very important documents and strong evidence of ownership of land rights. Problems that usually occur with certificates are damage to land certificates because they are torn by the holder or old paper, so that the certificate cannot be used or read. In addition, another problem is the loss of land certificates whose whereabouts are unknown, usually because they are scattered, stolen or natural disasters occur, so that this is detrimental to the holder of land rights, because they were lost by the Tanjung Pinang city land office, how to implement the issuance of land rights certificates (certificates) because they were lost by the Tanjung Pinang city land office, and how are the obstacles and solutions on the implementation of the issuance of proof of land rights (certificates) because they were lost by the land office of the city of Tanjung Pinang. The purpose of this study was to determine the arrangement for the issuance of proof of land rights (certificates) because they were lost by the Tanjung Pinang city land office, to find out the implementation of the issuance of land rights certificates (certificates) because they were lost by the Tanjung Pinang city land office, as well as to find out the obstacles and solutions to the problem, implementation of the issuance of proof of land rights (certificate) because it was lost by the land office of the city of Tanjung Pinang. This research is juridical normative and supported by sociological/empirical research. This research is juridical normative and empirical. Normative juridical research refers to legislation, while empirical research is obtained in the field. Regulations on the issuance of proof of land rights (certificate) due to loss are contained in Government Regulation Number 24 of 1997. As for certificates that are damaged, lost or still using the certificate blank, a replacement certificate will be issued by the Land Office at the request of interested parties. The implementation of the issuance of proof of land rights (certificates) due to loss by the Tanjung Pinang city land office is carried out in accordance with Government Regulation No. 24 of 1997.

Keyword: Land Certificate, Replacement Certificate, Proof of Rights.

1. INTRODUCTION

The Republic of Indonesia is an agricultural legal state where land plays an essential role in development. The land issue is vital in the implementation of development for the Indonesian nation. Therefore, the political system of land law is necessary. They are increasing development activities in all fields, causing the increasing need for the availability of land and or buildings. This is in line with the mandate of the 1945 Constitution, which states that the earth, water, and Natural Resources contained therein are controlled by the state and used for the prosperity of the people as much as possible [1].

The land is very closely related to human life. Everyone undoubtedly needs land, not just in life to die even humans still need a piece of land. One by Article 33 paragraph (3) of the Constitution of the Republic of Indonesia year 1945, which reads: "Earth and water and Natural Resources contained therein are controlled by the state and used for the greatest prosperity of the people." the state has the right to control the natural resources in the Earth

Indonesia [2]. Based on the provisions of the right to control the state, the state is an organization of power of all the people (nation) who have the authority to [3]:

1. Organize and maintain, allot, use, supply, and maintenance of earth, water, and space;
2. Determine and regulate the legal relations between people and the earth, water, and space.
3. Determine and regulate legal relations between people and legal acts concerning the earth, water, and space.

Article 1 Paragraph 2 of Law No. 5 of 1960 on agrarian Matters also confirms that the entire earth, water, and space, including natural resources contained therein in the territory of the Republic of Indonesia, is a gift of God Almighty. Given the increasing need for land for the benefit of the community, while the ground in Indonesia is not increasing, it is necessary to rule ensure certainty and legal protection for holders of land rights so that in the utilization or use of land, there is regularity, among others with the issuance of Law No. 5 of 1960 on basic agrarian regulations and Government Regulation No. 24 of 1997 on Land Registration [4].

The importance of land shows a very close relationship between human relations with the ground as a place to live and as the source of his survival. However, these relationships often also cause problems of friction of interests between individuals or community groups. This problem is inseparable from the number of people who need land to meet their needs so rapidly in Indonesia, while the land area does not change (fixed) [5].

Therefore, a concrete solution is needed to prevent the development of conflicts and land disputes that arise amid society by providing guarantees and legal certainty for land rights, especially land ownership rights that are widely owned by the community and are usually used as a place to live or to be utilized to meet daily needs or sources of livelihood [6]. To ensure legal certainty and protection of land rights holders, the government provides a new institution previously unknown in customary law, namely the registration institution. Land registration benefits land rights holders, primarily to obtain proof of ownership rights with the issuance of certificates of land rights that apply as strong evidence. Thus land registration is a series of activities carried out by the State/Government continuously and regularly, in the form of collecting data or specific data on certain lands in certain territories, processing, and storage. Presentation for the benefit of the people to provide legal certainty in the field of land, including the issuance of evidence and maintenance [7].

Land with various functions and benefits also gave birth to problems that are not simple, both problems that arise in social, economic, political, legal, or broader fields and complex covering a variety of human life. The land issue is very Actual for humans anywhere, especially in the development period. Based on the observation of the implementation of supervisory tasks gives us an idea that the land issue is an essential factor that affects the course of development [8]. The government has taken concrete steps to answer these complex problems by issuing regulation No.5 of 1960 on basic agrarian principles (Ba), especially in Article 19 paragraph (1), which states that [9]:

1. To ensure legal certainty, the government shall register land throughout the territory of the Republic of Indonesia according to the provisions stipulated in the government regulation.
2. The Land Registry in Paragraph 1 of this article shall include:
 - a. Measurement, mapping, and land bookkeeping;
 - b. Registration of land rights and transfer of such rights,
 - c. The provision of letters of Rights, which apply as strong evidence.

Furthermore, as in Article 32 paragraph (1) of Government Regulation No. 24 1997, which states:

"The certificate is a letter of proof of rights that applies as a strong means of proof of physical data and juridical data contained therein, as long as the physical data and juridical data are by the data contained in the measurement letter and the land book in question." Etymologically, the certificate comes from the Dutch "Certificat," which means proof or certification that proves something. The land certificate is thus a letter made by the competent authority to prove one's right to a piece of land [10]. According to Herman Hermit, the certificate is a letter of proof of the right to land or flat unit, which is a recognition and affirmation of the state to the control of the land or flat unit individually or jointly or a legal entity whose name is written in it and at the same time describes the location, image, size and boundaries of the land or flat unit [11].

The land certificate is an essential document and strong evidence of ownership of land rights. The problem commonly occurs in the certificate is the destruction of the certificate of land because the holder tears it. Or a paper consumed by age, so it can not be used or read the certificate. In addition, another problem is the loss of land certificates whose existence is unknown, usually due to scattered, stolen, or natural disasters that occur that harm the holder of land rights. Given the importance of a certificate of land rights, it is essential to continuously maintain and maintain its existence in a safe place so that it does not disappear. But in fact, there are still cases of loss of Certificate of land rights from the hands of the owner, the loss of Certificate of land rights as evidence for the right

holder of the land must be addressed carefully by the Land Office where the land object is registered, through the loss report of the land owner concerned to avoid irresponsible parties who can take advantage of this situation [12].

With time the ownership of the holder of land rights to the certificate of land, there are often problems with the certificate he has even though the certificate of land is strong evidence against the ownership of land rights. The problem is, for example, the destruction of the certificate of land rights caused by accidental damage due to natural disasters or damage due to age-consumed paper or certificate tearing due to the carelessness of the holder, so it can not be used or read the certificate. In addition to the destruction of the certificate, another problem faced by the certificate holder is loss, whose existence is unknown, so it is very detrimental to the holder of land rights [13].

The issuance of a replacement certificate because it is lost is not much different from the issuance of a certificate of land rights or a replacement certificate because it is damaged. However, in the distribution of a replacement certificate, because it is lost, research must be carried out in advance regarding the juridical data regarding the land plot and announcements in the mass media. In connection with this, in this case, the government provides a solution or a way out for people who experience damage or loss of Certificate of land rights, namely by the existence of a replacement certificate [14].

As mentioned in Article 57 paragraph (1) of Government Regulation No. 24 of 1997, which contains: at the request of the rights holder, a new certificate is issued as a replacement for a certificate that is damaged, lost, still using a certificate blank that is no longer used, or which is not submitted to the auction buyer in an execution auction. Given the importance of a replacement certificate for land rights holders who previously had a certificate but the certificate is damaged or lost, the authors would like to examine more about the juridical analysis of the policy on the issuance of evidence of land rights (certificate) because it is missing to confirm legal certainty, especially in the Tanjung Pinang City Land Office.

Research Benefits

In this study, there are 2 (two) benefits, both theoretical and practical, that can be obtained, namely:

a. Theoretical Benefits

Theoretically, the results of this study can contribute to the development of legal science, especially Indonesian agrarian law relating to the issuance of evidence of land rights (certificate) because the Land Office loses it.

b. Practical Benefits

It is expected that the issuance of proof of land rights (certificate), because it is lost, becomes the basis of legal certainty for the community, especially in the city of Tanjung Pinang.

Introduction related your research work Introduction related your research work Introduction related your research work Introduction related your research work Introduction related your research work Introduction related your research work Introduction related your research work Introduction related your research work Introduction related your research work Introduction related your research work

2. RESEARCH METHODS

This research is normative, juridical, and empirical. Normative juridical analysis refers to legislation, while empirical research is obtained in the field. The method of approach in this study is a combination of the normative approach (legal analysis) with the practical approach (juridical sociology). The location of this study is the Land Office in the city of Tanjung Pinang. Sampling was conducted by purposive sampling. Data analysis is done qualitatively by describing the research, then comparing the data with legal theory, legal experts, and legislation, where the study starts with data collection, data processing, and the last presentation of data. While the conclusions will be used in the deductive method, the author takes the data, information, and opinions, which are general, and then concludes specifically.

3. RESULTS AND DISCUSSION

3.1 Land Registration In National Land Law

Land, as a necessity that is quite important for humans, requires legal certainty in terms of ownership in the community. Therefore, to issue a legal certainty in terms of land ownership rights, it requires a land registration at the Land Office where the land is located so that the party who controls the land can obtain a certificate of land

rights to guarantee control and ownership of the land it occupies. Land has not only high economic value, but also philosophical, political, social value [15]

Land is a vital element in the life of nation and state. Indonesia's relationship with the land is eternal. The entire territory of the Unitary State of the Republic of Indonesia (NKRI) is the unity of the homeland of the whole of the Indonesian nation. Soil is an adhesive of the Republic of Indonesia. Therefore, the land needs to be managed and regulated nationally to maintain the sustainability of the national and state Life system and culture.

For various potential problems, the state is given the constitutional right to control water, earth, and Natural Resources contained therein. However, the word "controlled" in Article 33 of the 1945 Constitution does not indicate the state is the owner. In the general explanation of the 1960 Bal, it is stated that the state (government) only controls the land. The definition of "controlled" land does not mean "owned" but a specific authority given to the state as an organization of power. It is expressly formulated in Article 2 Paragraph (2) of the BAL that the source of the state is: [16]

1. Organize and maintain the earth, water, and space provision, use, supply, and maintenance.
2. Determine and regulate the legal relations between people and the earth, water, and space.
3. Determine and regulate legal relations between people and legal acts concerning the earth, water, and space.

Definition Of Land Registration

The term land registry, or in the literature, is often called "land record" or also "cadastral" and is part of the problem of Agraria; of the existing issues of Agraria, the most prominent is the registration of land, both in countries not yet developed and in countries already developed, because it is the only state institution that has the authority to provide legality for any ownership or control of land.

In connection with the registration of land, it is also necessary to know about the elements of land registration, namely: a series of activities, government, regular and continuous, land data, certain areas and specific purposes, processing / storing presents to the public and provides proof of ownership, of these elements the elements of land registration activities here are divided into three parts, namely: [17]

1. Collect physical data about the location of the land, land boundaries, and land area, and whether there are no buildings on it.
2. Collecting juridical data from the land in question, which contains the status of the land or what rights, who is the holder of the requests, and whether or not there are other burdens on it, for example, mortgage rights.
3. The process of making a certificate where in the manufacture of this certificate, the land book is copied into a copy of the land book enclosed with a measuring letter, bound, bound with a front image of Garuda, and given to the landowner.

In addition to the elements of the series and standard features, there is also known as the element of "continuous," which means that in the land registration of a person who is given a certificate not only stops after being given a certificate but the land can be transferred to other parties on condition that registration must be followed to the Local Land Office for registration by changing or crossing out the name of the Old rights holder into the name of the new rights holder.

Certain elements mean that the land registry can guarantee legal certainty and certainty of land rights. While ensuring legal confidence itself, three parties can feel on this matter, namely [18]:

1. For the landowner, in this case, the landowner is given a certificate of land as solid evidence of physical and juridical data so that the landowner quickly proves his land rights.
2. For third parties to the land in question, usually creditors or buyers, can quickly obtain reliable data or information, both physical and juridical data.
3. For the government or the state is easier to hold Development Planning or supervision of land rights.

While understanding the land registry according to government regulations No. 24 of 1997 Article 1 Paragraph (1) stated that the definition of land registration is: The series of activities carried out by the government continuously, continuously and regularly include the collection of processing, bookkeeping, and presentation and maintenance of physical data and juridical data, in the form of maps and lists of land plots and units of flats, including the provision of proof of rights for land plots that already have rights and property rights over flats units and certain rights that burden them. Government Regulation No. 24 of 1997 on Land Registration is an improvement of Government Regulation No. 10 of 1961 on Land Registration which aims to collect and provide complete information about land plots.

Land Registry Publication System

In the land registry publication system are two publication systems, namely: [19]

a. Positive Publication System

The positive state publication system guarantees that the data is made accurate or considered authentic so that the certificate is referred to as absolute evidence, which means that for certificates that the Land Office has issued. There is an error; the certificate cannot be changed even though the land data is erroneous. So This Land Office, before issuing a certificate of land rights, must be cautious and examined in earnest lest there be a mistake, because if there is a mistake, then the Land Office can be asked for compensation. And according to this system, the legal relationship between the right of the person whose name is registered in the book and the previous right giver is interrupted from the moment the right is registered.

b. Negative Publicity System

According to this system, everything that is stated in the land certificate is considered valid until there is a lawsuit from another party who witnesses the truth of the data in the certificate and can prove it in court so that legal protection of the owner of the land rights is also not absolute because at any time can face a lawsuit from another party.

Certificate Of Land Rights

The certificate is essential for the ownership of land rights to ensure legal certainty to the holder of land rights. This is stated in Article 19 of the fundamental agrarian law, which reads [20]:

- a. To ensure legal certainty, the government shall register land throughout the territory of the Republic of Indonesia according to the provisions stipulated in the government regulation.
- b. Land registration in Paragraph (1) of this article shall include:
 - 1) Measurement, mapping, and land bookkeeping.
 - 2) Registration of land rights and transfer of such rights.
 - 3) The provision of letters of proof of rights, which apply as strong evidence.

A certificate of land rights, according to PP 24 of 1997, is a certificate of proof of ownership as referred to in Article 19 paragraph (2) letter c of the BAL, for land rights, management rights, Waqf land, property rights over flats and mortgage rights, each of which has been proven in the land book concerned. In connection with this, it can be seen that the certificate is a strong proof of rights regarding physical data and juridical data contained therein, so the material and juridical data are by the data collected in the measurement letter and the land book in question. Certificate as a sign of solid evidence means that as long as it cannot be proven otherwise, the physical data and juridical data contained therein must be accepted as correct data, as can also be established from the data collected in the land book and its measurement letter.

Replacement Certificate

The definition and function of the replacement certificate are not much different from the certificate of land rights; it's just that the replacement certificate is a copy of the certificate that is damaged or lost. The Land Office can issue a replacement certificate at the request of the land title holder. But in the replacement certificate, later, the Land Office will be recorded or explain that the certificate is a replacement certificate and the contents of the replacement certificate remain the same as the original certificate. So, the function and scope of the replacement certificate of land rights regulated by Government Regulation 24 of 1997 are the same as the certificate of land rights. Implementing the issuance of replacement certificates of land rights due to damage is the same as implementing the distribution of certificates of land rights. Usually, the manufacture of certificates of land rights does require time and cost, the amount of time and cost needed for the manufacture of certificates of land rights, depending on the status of the land. As explained in Government Regulation No. 24 of 1997, it is damaged, lost, or still using the old certificate blank. A replacement certificate can be issued by the Land Office at the request of interested parties if the certificate of land rights is damaged, lost, and so forth; it's just that if the Land Office has issued a replacement certificate, the old certificate of land rights will be canceled, this is done to maintain the possibility of misuse of the old certificate of land rights by other parties interested in this.

The basis for issuing a replacement certificate at the Tanjung Pinang City Land Office

During this time, there is an impression on the public that to be able to obtain the missing certificate is quite tricky, requires a long time, and the cost is quite expensive, especially for ordinary people who are in the countryside, the relatively low education and economic conditions are still lagging. The issuance of replacement certificates at the Tanjung Pinang City Land Office is caused by several things, including:

a. Issuance Of Replacement Certificate Due To Damage

A damaged certificate means that physically the certificate has changed in such a way that the rights holder feels the need to replace it. For example, torn, dirty with ink or paint, exposed to rain so weathered, eaten by mice or the parts, and so forth.

b. Issuance Of Replacement Certificate Due To Loss

After it is known about the issuance of a replacement certificate because it is damaged, the author will discuss the implementation of the issuance of a replacement certificate because it is lost. In this case, the issuance of a replacement certificate, because it is lost is not much different from the issuance of a certificate of land rights or a replacement certificate because it is damaged. Issuance of a replacement certificate due to loss in advance with the announcement of 1 (one) month in the local daily newspaper at the applicant's expense. Will But in issuing a replacement certificate because it is lost, research must be done first on the juridical data on the land.

Application For The Issuance Of A Replacement Certificate Of Land Rights Due To Loss

A lost certificate can be interpreted for some reason, in the sense of a Certificate of land rights, regardless of physical control by the rights holder. And the cause can be various kinds of scattered, stolen, fire, deposited. In people and never returned 65 requirements to be fulfilled by the application for a replacement certificate due to loss. Before applying for a replacement certificate of land rights issuance, the applicant must first meet the requirements determined by law through the Tanjung Pinang City Land Office. The conditions that must be met are [21]:

- a) The applicant's Identity Card (KTP) is still valid.
- b) Land and Building Tax (PBB) the latest year.
- c) copy of the Certificate (if any).
- d) a statement of no dispute from the local village/village.
- e) a statement that the land is not pledged to any party.
- f) Certificate of the land from the local village/village.
- g) loss report from local police.
- h) Statement Under Oath / Promise
- i) measurement letter, if the land needs to be re-measured

Implementation Of The Application For The Issuance Of A Replacement Certificate Of Land Rights Because The Certificate Is Lost

After the applicant meets the requirements for a replacement certificate of land rights, then the applicant can apply for the issuance of a replacement certificate of land rights in Tanjung Pinang City Land Office in the following manner [22]:

- a. The applicant for the certificate of replacement of land rights comes to the Tanjung Pinang City Land Office with the documents described in the requirements point, then submitted to the counter II (Technical Officer).
- b. Technical Officer at counter II will conduct a study of the documents and, if it is complete, will be given a receipt of the documents.
- c. after the document is recorded, it will be forwarded to the rights registration Sub-Division.
- d. The head registration of rights will be studied, dispensed, and submitted to the implementing officer.
- e. NEXT, The implementing officer makes a draft announcement based on the documents from the rights registration subsection and submits it back to the rights registration subsection.
- f. After examining the head of registration of rights, initialed on the concept of the announcement and submitted to the Survey, Measurement, and mapping section.
- g. Next, the head of the Survey, Measurement, and mapping section examines the concept of the announcement and initializes it, then it is sent to the head office.
- h. After being examined by the head of the Office, the authority of the office signs the concept of the announcement, then the idea of the announcement is announced in the local media, The Village office, and the Land Office itself. And if within 30 working days of the announcement, there are objections from other parties or claim to have the right to the land, the reason is reasonable after being examined in the field by the Land Office officer. The replacement certificate application is postponed until there is a settlement through the local District Court decision.

Legal protection of the holder of the replacement certificate of land rights in the realm of implementation at the Tanjung Pinang City Land Office

In general, the provision of replacement certificates is an effort to provide legal protection for citizens. The holder of the replacement certificate of land rights is the same as the legal protection of land rights in general, where the

certificate is equally a proof of Rights, which applies as strong evidence. This is regulated in Law No. 5 of 1960 on the basic principles of Agrarian Article 19, which reads: [23]

- a. To ensure legal certainty, the government shall register land throughout the territory of the Republic of Indonesia by the provisions stipulated in the government regulation.
- b. land registration in Paragraph (1) of this article shall include:
 - 1) Measurement, mapping, and land bookkeeping.
 - 2) Registration of land rights and transfer of such rights.
 - 3) The provision of letters of proof of Rights, which apply as strong evidence.

And in Article 32, paragraph (1) of Government Regulation Number 24 1997, which contains Certificate is a letter of proof of rights that applies as a means of solid evidence regarding the physical and juridical data contained therein, as long as the physical and juridical data are suitable with existing data in the measure and evidence of the land in question.

Obstacles To The Implementation Of The Issuance Of Proof Of Land Rights (Certificate) Because It Is Lost By The Tanjung Pinang City Land Office

Based on the results of interviews with employees of the author Tanjung Pinang City Land Office, obstacles that arise in the issuance of certificates of replacement of land rights, in general, is just a problem that can still be solved by the Tanjung Pinang City Land Office by way of deliberation/kinship, namely calling both parties to the issue of the land so that in the deliberation resulted in a peace agreement between the two parties at loggerheads.

According to sources, during this time the issue of replacement certificates no one has applied for the issuance of replacement certificates that the problem until forwarded to the authorities but still handled by the Tanjung Pinang City Land Office. For example, there is a case of an application for issuance of a replacement certificate of land rights where a family that has long built a household, but after so many years, the home suddenly had a dispute that resulted in the relationship between husband/wife becoming less harmonious. The husband once came to the land without the wife's knowledge.

Tanjung Pinang to apply for the issuance of a replacement certificate for the house occupied by his family with the recognition that the certificate is lost, then after the requirements that the Tanjung Pinang City Land Office has determined have been met by the applicant, the Tanjung Pinang City Land Office processes to issue a replacement certificate for the land. After everything is examined and checked by the Tanjung Pinang Land Office and the application is declared complete, the Tanjung Pinang Land Office processes the file to make an announcement on the land concerned for 30 (thirty) working days. After 30 (thirty) working days are announced, there is no objection to the ground submitted by the applicant. At that time, the Tanjung Pinang land, after completion of the certificate, is given to the applicant [25].

The Tanjung Pinang City Land Office issued approximately 3 (three) years of replacement certificates, someone came to check the validity of the certificate of land rights, then after checking by checking, it turns out that the certificate has been issued a replacement certificate on the application of the person whose name is listed on the certificate is checked, checking can not be carried out because the certificate is problematic. The application for the issuance of a replacement certificate is done on the basis that the certificate of land rights is lost. Then with the incident above, parties.

The Tanjung Pinang City Land Office explained to the person who checked the certificate that this certificate had been issued a replacement certificate based on the certificate holder's request because the certificate was lost, and by the Tanjung Pinang Land Office, the checked certificate was withdrawn and entered into citizenship at the Tanjung Pinang City Land Office, this was done to maintain the possibility of misuse of previous land certificates by other parties that could harm the rights holder. Settlement of the above case has yet to reach the District Court or not to bring a lawsuit against each other. Still, the problem by the Tanjung Pinang City Land Office is resolved by deliberation by calling both parties or the husband/wife and giving advice and explanations about the replacement certificate of land rights that the Tanjung Pinang City Land Office has issued so that in the deliberation resulted in an agreement and peace between the husband/wife, and based on the understanding of both parties. According to applicable law, the certificate of replacement for the new land rights remains the common property or the property of Gonogyng.

In addition to problems involving internal family, other obstacles are common but become obstacles in implementing the issuance of missing certificates, which is related to the lack of public knowledge that the

certificate is damaged or lost and can be replaced. These can be classified as barriers consisting of external barriers and internal barriers. The obstacles are as follows:

a. Internal barriers.

Internal barriers are obstacles arising from the Tanjung Pinang City Land Office. The internal barriers are as follows: [26]

- 1) Lack of Human Resources (HR). In this case, the experts in the field of land, which handles the replacement of replacement certificates ranging from the survey section, measurement, and mapping, are minimal. In its implementation, much-needed experts appropriate field because the volume of work in the area is constantly increasing. It is expected that the balance between the number of experts with the task to be completed to accelerate the process of controlling the replacement certificate on the ground.
- 2) Every year, the Tanjung Pinang City Land Office always leaves the application files that still need to be completed because processing replacement certificates due to loss takes a relatively longer time than processing other certificates, causing a pile of unresolved tasks. And become a job debt for the year. Next, in theory, the issuance of a replacement certificate because it is lost only takes three months.
- 3) As well as the need for coordination between the applicant and the Tanjung Pinang City Land Office in determining the time to carry out the process of re-measurement and determination of the boundaries of the land to hinder the issuance of certificates of replacement of land rights.
- 4) The schedule for taking the oath needs to be determined. In the implementation of the issuance of a replacement certificate of land rights at the Tanjung Pinang City Land Office, it can sometimes be said to be long; this is because the oath-taking by the head of the Tanjung Pinang City Land Office is not scheduled, and the new applicant will be contacted for oath taking in front of the director of the Tanjung Pinang City Land Office suddenly to take the oath.
- 5) In addition, the parties from the Tanjung Pinang City Land Office are also lacking in socializing with the community so in the implementation of the issuance of a certificate of replacement for the right because it is lost or damaged, many applicants do not complete the required documents requested by the Tanjung Pinang City Land Office so that the documents will be returned. And will not be processed further by the committed file examination.
- 6) The lack of participation of the Tanjung Pinang City Land Office employees in helping applicants, especially applicants who need to learn how to track files through a pin (code) with a computerized system. This is due to the need for more employees in computerization technology that is now all online.
- 7) The time required to process the lost certificate by the Tanjung Pinang City Land Office is very long and requires a lot of money.

b. External barriers.

External barriers are inhibiting factors from parties outside the Tanjung Pinang City Land Office, in this case, the applicant parties, about the process and procedure for replacing the replacement certificate. The external barriers are as follows:

- 1) There is still a need for more public understanding of the procedure for implementing the application for the replacement certificate replacement because it is lost due to the absence of a definite Board of instructions, so it becomes an obstacle.
- 2) The applicant's documents need to be completed. In the application for the issuance of a replacement certificate of land rights, because it is lost, there are often documents owned by the applicant. Issuance of Certificate of replacement for land rights due to incomplete loss, so in this case, it can be complex for the applicant to be able to meet the requirements for completeness of documents that the Tanjung Pinang City Land Office has requested. And with incomplete records owned by the applicant, the Tanjung Pinang City Land Office cannot carry out the issuance of a certificate of replacement for land rights because of the missing request.
- 3) The Information provided by the Tanjung Pinang City Land Office is not well received by the applicant applicants often do not receive information from the Tanjung Pinang City Land Office due to a lack of initiative from the community as the applicant to directly come to the Tanjung Pinang City Land Office and ask now about matters related to the issuance of replacement certificates for land rights because they are lost at the Tanjung Pinang City Land Office.

Solution To Implementation Obstacles Issuance Of Proof Of Land Rights (Certificate) Because It Is Lost By The Tanjung Pinang City Land Office

Implementing the issuance of proof of land rights (certificate) because it was lost by the Tanjung Pinang City Land Office did experience many obstacles. As mentioned above that the barriers are not only from external factors but

also internal factors that should be able to minimize. For solutions to external obstacles, the Tanjung Pinang City Land Office, among others [27]:

- Provide understanding through counseling to the public in general who needs help understanding the procedures for issuing replacement certificates because they are missing.
- Providing an understanding to the public regarding the function and usefulness of the certificate will impact public awareness to apply for the issuance of a replacement certificate immediately.
- Tanjung Pinang City Land Office always strives to complete the shortage of Human Resources immediately. Application for fulfilling the need for Human Resources is intended to provide sufficient experts so that there is no accumulation of applications.

4. CONCLUSIONS

- Regulation on issuing proof of land rights (certificate) for missing contained in Government Regulation 24 of 1997. The certificate that is damaged, lost, or still using the old certificate will be issued a replacement certificate by the Land Office at the request of interested parties. If the Land Office has published a replacement certificate, the old certificate of land rights will be canceled; this is done to maintain the possibility of misuse of the old certificate of land rights by other interested parties.
- Implementation of the issuance of proof of land rights (certificate) due to loss by the Tanjung Pinang City Land Office is carried out by Government Regulation No. 24 of 1997. But of course, the applicant must complete some requirements along with the cost. The related costs of registration of land rights Tanjung Pinang City Land Office based on Government Regulation 24 of 1997 in Article 61 and regulated separate government regulations; namely the amount and method of payment of costs in the framework of the implementation of land registration activities.
- Obstacles to the implementation of the issuance of proof of land rights (certificate) because it is lost by the Tanjung Pinang City Land Office come from internal barriers and external barriers.

5. REFERENCES

- Abdul Kadir Muhammad, *Hukum dan Penelitian Hukum*, Citra Aditya Bakti, Bandung, 2004
- Achmad Ali, *Soal Pokok Filsafat Hukum*, Griya Media, Jakarta, 2011
- Amrulloh dan Zainal Asikin, *Pengantar Metode Penelitian Hukum*, Raja Grafindo Persada, Jakarta, 2008
- Andi Prastowo, *Memahami metode-metode penelitian: suatu Tinjauan Teoritis dan Praktis* at-Ruza Media Jogjakarta, 2011
- Badan Pertanahan Nasional, *Himpunan Karya Tulis Pendaftaran Tanah*, Bumi Bhakti Adhi Guna, Jakarta, 2013
- Badan Pertanahan Nasional, *Resolusi Strategis Badan Pertanahan Nasional Republik Indonesia Tahun 2010-2014*, (Jakarta: BPN RI, 2010)
- Bahsan Marzuki, *Hukum Jaminan dan Jaminan Kredit Perbankan Indonesia*, Raja Grafindo Persada, Jakarta, 2008
- Bambang Sugiono, *Metode Penelitian Hukum*, Raja Grafindo Persada, Jakarta, 2001. Bambang Waluyo, *Penelitian Hukum dalam Praktek*, Sinar Grafika, Jakarta, 2006
- Bernhard Limbong, dikutip oleh Fanni Dumara Arif, *Konflik Perumahan*, Jakarta : Magaretha Pustaka, 2012
- Boedi Harsono, *Hukum Agraria Indonesia, Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanannya*, Jakarta, Penerbit : Djambatan, 2005, Jilid 1, Cetakan 10, Edisi Revisi.
- Boedi Harsono, *Hukum Agraria Indonesia, Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanannya*, Jakarta, Penerbit : Djambatan, 2005, Jilid 1, Cetakan 10, Edisi Revisi
- Idhan Aswidi, *Metode Penelitian Hukum*, Rineka Cipta, Jakarta, 1994
- T. Kansil, *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*, Balai Pustaka, Jakarta, 1989
- Efendi Perangin, *Hukum Agraria Indonesia Suatu Telaah dari Sudut Pandang Praktis Hukum*, Jakarta Penerbit PT. Raja Grafindo Persada Cetakan ke-4
- Efendi Perangin, *Praktek Pengurusan Sertipikat*, Jakarta, Penerbit Rajawali Pers, 1992.
- El Yunus SP-Sangsun, *Tata Cara Mengurus Sertipikat Tanah*, Jakarta : Trans media Pustaka
- M. Achmad Chomzah, *Hukum Agraria (perumahan Indonesia) Jilid 2*, Jakarta Prestasi
- Hadari Nawawi, *Penelitian Terapan*, Gajah Mada University Press, Yogyakarta, 2006
- Hasan Basri Nata Menggala Dan Sgita 2005, *Pembatalan hak dan kebatalan hak atas Tanah Tugu Jogja* Pustaka.Yogya

- [20] Herman Hermi, *Cara Memperoleh Sertipkat Tanah Hak Milik, Tanah Negara dan Tanah Penda, Teori dan Praktek Pendaftaran Tanah di Indonesia*. (Bandung: Mandar Maju, 2004). Cetukan 1 Hal 131.
- [21] Hermi, Herman. 2009. *Teknik Penaksiran Harga Tanah Perkotaan*. Bandung: Penerbit: Mandar Maju
- [22] Hermi, Herman. *Konsolidasi Tanah Perkotaan Dalam Perspektif Otonomi Daerah*. Alumni. Bandung, 2004, hlm 45.
- [23] Soesanto, *Hukum Agraria I*. Semarang: Fakultas Hukum Universitas 17 Agustus 1945 Semarang
- [24] John Salindebo, *Masalah Tanah Dalam Pembangunan*. Jakarta, Sinar Grafika, 1998 Kenneth R. Hoover. *The Elements of Social Scientific Thinking*, terjemahan, Tiara Wacana, Yogyakarta, 1998
- [25] Khoiruddin, *Problem Pendaftaran Tanah Sistematis Lengkap (PTSL) dalam Rangka Percepatan Pensertifikatan Hak atas Tanah di Kabupaten Kepulauan Meranti Provinsi Riau*. Universitas Sumatera Utara, 2018
- [26] Lawrence M. Friedman, 1975, *The Legal System, A Social Science Perspective*. Russel Sage Foundation, New York.
- [27] Labis, Mhd. Yamin dan Abd. Rahim Labis, 2010. *Hukum Pendaftaran Tanah*, Bandung: CV. Mandar Maju.



Juridical Analysis of Policy on Issuance of Evidence

ORIGINALITY REPORT

19%

SIMILARITY INDEX

15%

INTERNET SOURCES

9%

PUBLICATIONS

9%

STUDENT PAPERS

PRIMARY SOURCES

1	Submitted to Konsorsium Perguruan Tinggi Swasta Indonesia II Student Paper	2%
2	jurnal.saburai.id Internet Source	1%
3	www.jurnal-umbuton.ac.id Internet Source	1%
4	fh.unair.ac.id Internet Source	1%
5	estatedocbox.com Internet Source	1%
6	pdffox.com Internet Source	1%
7	Ian Lambang Wirawan. "Juridical Review of Sporadic Problem Land Registration on Village Governments in Cilacap Regency", UMPurwokerto Law Review, 2021 Publication	1%
8	jolin.org Internet Source	1%

9	journal.um-surabaya.ac.id Internet Source	1%
10	www2.mdpi.com Internet Source	1%
11	journal.uniku.ac.id Internet Source	1%
12	Submitted to Universitas Negeri Semarang Student Paper	<1%
13	ebooktake.in Internet Source	<1%
14	Upik Hamidah. "Implikasi Diskresi Kepala Kantor Pertanahan dalam Pendaftaran Tanah", Cepalo, 2019 Publication	<1%
15	eprints.uns.ac.id Internet Source	<1%
16	Ida Bagus Putu Purbadharmaja, Maryunani, Candra Fajri Ananda, Dwi Budi Santoso. "The implications of fiscal decentralization and budget governance on economic capacity and community welfare", Foresight, 2019 Publication	<1%
17	Submitted to Fakultas Hukum Universitas Indonesia Student Paper	<1%

18	repository.unair.ac.id Internet Source	<1 %
19	Submitted to Universitas Hasanuddin Student Paper	<1 %
20	repositori.usu.ac.id:8080 Internet Source	<1 %
21	G.M. Angga Satria Wibawa, Moh. Muhibbin, Budi Parmono. "Criminal Actions Of Illegal Logging In The Perspective Of Forestry Law", International Journal of Law, Environment, and Natural Resources, 2023 Publication	<1 %
22	digilib.uin-suka.ac.id Internet Source	<1 %
23	ejurnal.undana.ac.id Internet Source	<1 %
24	repositori.uma.ac.id Internet Source	<1 %
25	scholar.unand.ac.id Internet Source	<1 %
26	journals.usm.ac.id Internet Source	<1 %
27	radjapublika.com Internet Source	<1 %

28	repository.unisma.ac.id Internet Source	<1 %
29	Akhyar Tarfi, Ilyas Ismail, Zahratul Idami, Efendi Efendi. "Agricultural Land Redistribution for Sustainable Peacebuilding in Aceh, Indonesia", International Journal of Sustainable Development and Planning, 2023 Publication	<1 %
30	Submitted to Universitas Semarang Student Paper	<1 %
31	repository.umy.ac.id Internet Source	<1 %
32	Submitted to Syntax Corporation Student Paper	<1 %
33	Titin Samsudin, Nur Hairat Adam. "THE APPROVAL OF FREEHOLD TITLE IN INHERITANCE LAWSUIT AT GORONTALO RELIGIOUS COURT", Al-Bayyinah, 2020 Publication	<1 %
34	etd.iain-padangsidempuan.ac.id Internet Source	<1 %
35	fh.unram.ac.id Internet Source	<1 %
36	jurnal.uisu.ac.id Internet Source	<1 %

37	Nurul Khoirotul Hijriah. "THE ROLE OF THE DISTRICT GOVERNMENT INTEGRATED TEAM IN RESOLVING LAND CONFLICTS BETWEEN CORPORATIONS VS SUKU ANAK DALAM", <i>Communale Journal</i> , 2023 Publication	<1 %
38	digilib.uns.ac.id Internet Source	<1 %
39	journal.ubaya.ac.id Internet Source	<1 %
40	Submitted to Universitas Negeri Surabaya The State University of Surabaya Student Paper	<1 %
41	docplayer.info Internet Source	<1 %
42	fdocuments.us Internet Source	<1 %
43	jurnal-stiepari.ac.id Internet Source	<1 %
44	repository.uki.ac.id Internet Source	<1 %
45	www.fh.unair.ac.id Internet Source	<1 %
46	Dianto Bachriadi, Edward Aspinall. "Land Mafias in Indonesia", <i>Critical Asian Studies</i> ,	<1 %

2023

Publication

47	dspace.uui.ac.id Internet Source	<1 %
48	es.scribd.com Internet Source	<1 %
49	Submitted to Universitas International Batam Student Paper	<1 %
50	content.iospress.com Internet Source	<1 %
51	fhukum.unpatti.ac.id Internet Source	<1 %
52	hdl.handle.net Internet Source	<1 %
53	jhcls.org Internet Source	<1 %
54	jurnal.utu.ac.id Internet Source	<1 %
55	ojs.uninus.ac.id Internet Source	<1 %
56	Dahris Siregar. "Copyright Royalty of Book Publishing as Collateral Objects", Asian Social Science and Humanities Research Journal (ASHREJ), 2020 Publication	<1 %

57

repositories.ukdc.ac.id

Internet Source

<1%

58

Sulaiman Sulaiman, Ade Arif Firmansyah. "The Reconstruction of Energy Management Law Based on Indonesia Legal System", FIAT JUSTISIA:Jurnal Ilmu Hukum, 2018

Publication

<1%

Exclude quotes Off

Exclude matches Off

Exclude bibliography Off