

IMPLEMENTATION OF LAND REGISTRATION IN PROVIDING LEGAL SECURITY OF LAND RIGHTS IN JAYAPURA CITY ¹

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Abstract

This research aims to find out how land registration is implemented in providing legal certainty of land rights in Jayapura City and what factors hinder the system of implementing land sales and purchases to obtain legal certainty of land rights in Jayapura City.

In addition, researchers use an empirical juridical research methodology, namely studying events or happenings in society which are social phenomena related to law. The research findings show that the implementation of land registration in order to provide legal certainty of land rights in Jayapura City is carried out in two ways, namely sporadically, that is, registration is carried out individually, secondly, land registration is carried out systematically, namely registration of land rights is carried out en masse or in groups and land registration is carried out through land registration implementers in accordance with legal mechanisms. Furthermore, related to the factors that cause the implementation of land registration in Jayapura City to not comply with regulations, namely in terms of collecting juridical data and physical data; incomplete facilities and infrastructure; low integrity of the apparatus, and low awareness of the community itself.

I. Introduction

There is no life on this world for the Papuan Indigenous People, particularly the indigenous people of Jayapura City, if there is no land. Soil is the foundation of all life on Earth. That is the land philosophy of the indigenous people of Jayapura City, and of Papuans in general. Because what is above or in the earth is a type of natural resource, the indigenous people of Jayapura City regard the land as the sum of all natural resources. The land becomes one with

everything above and below it. Land ownership in Jayapura City's indigenous groups is communal and clan-based.

Land has been the basis of life and identity for Papuans for millennia, hence they are unfamiliar with purchasing and selling land. However, changes and developments have forced indigenous peoples to give up thousands of hectares of their living land as a source of income, but because of the need for land to be used in the interests of the State for development and social interests of the community as well as other communities outside the customary law community, the customary rights of the customary law community are being traded. with typical renunciation.

As a result, as part of the customary law acknowledgment of rights to the property, every land sale and purchase agreement in the area must be preceded by a customary release letter. For the Papuans, land is a source of hope for a guaranteed assurance of life if handled carefully, and it is a manifestation of the Almighty whose existence cannot be replaced by values or material forms. Land is also a symbol of the Papuan people's and their culture's existence.

The State's control, regulation, and implementation of land use is focused at its usage by preserving rights to Ulayat Land, People's Land, and social functions in order to achieve social justice for all Indonesians. This is supported by Article 6 of the Basic Agrarian Law No. 5 of 1960, which declares that "all land rights have a social function." Control over customary land should be based on the Basic Agrarian Law Number 5 of 1960 and other relevant laws, especially in Jayapura City.

The source of national land law is the basic agricultural law (UUPA). So far, there have been numerous objections and challenges to the evolution of land law. Various regulations adopting UUPA have yet to be implemented, while new items that were predicted have developed and require answers. Meeting this obstacle will not be easy. Every land right serves a social role in that every person, legal entity, or agency having a link to land is obligated to use the land by maintaining it, improving its fertility, and preventing harm to make it more efficient, effective, and useful to society's welfare.

One of the National Agrarian Law's guiding ideas is that all land rights serve a social purpose. This means that any individual, legal entity, or agency having a legal tie to land is obligated to use the land in a more effective and successful manner by preserving the land, improving its fertility, and preventing harm. useful and advantageous to the welfare of society. Apart from that, it cannot be legitimate for land to be exploited simply for personal gain, especially if this harms society.¹

The evolution of national land law, particularly the formulation of statutory regulations, necessitates a proactive mindset based on a critical and objective perspective. When confronted with these challenges, at least two types of reactions are common. Specifically, a reaction based on a legislative

¹ Rusmadi Murad, 2013, *Administrasi Pertanahan Pelaksanaan Hukum Pertanahan Dalam Praktek Edisi Revisi*, Mandar Maju, Bandung, hlm 112.

approach that, due to its conservative stance, finds it difficult to embrace new developments and tends to reject them on the grounds that they cannot be explicitly stated in legislation. Other reactions resulting from the functional approach, on the other hand, tend to be accommodating to new developments in terms of their benefits, and if required, advocate changing the legislation.

Article 4 of the UUPA, which essentially defines the concept of land rights but only applies to the land's surface, can be extended to giving rights underground and in air space. The reason for this is that what has previously been governed is the institution of land rights, which encompasses the surface of the ground as well as the area beneath and above it as needed. Outside of this stratum, the state's right is the consistency of the idea of control rights in both subsurface and airborne space.²

This entails broadening land coverage so that the state, for example, can issue subsurface HGB and other applicable rights. Problems that may occur between users of subsurface and surface rights can be resolved by using analogical thinking based on the horizontal separation concept. In relation to the terms HGU and HGB, whether we recognize it or not, significant interpretation has been carried out on Articles 29 and 35 of the UUPA in accordance with developments in the situation. Previously, it was only possible to extend rights; soon, it will be permitted to renew and extend rights.

That, at the request of the right holder, the government offers an assurance that the HGU and HGB will be extended when their rights expire and will still be handled effectively as indicated in the Decree on Granting the Rights. The objective interpretation is that when the HGU/HGB is granted, the extension of rights is not granted all at once. However, it will be granted only if the rights expire and the appropriate requirements are met. The method is streamlined in that there is no need to relinquish rights when the HGU/HGB expires. Extensions are given by noting the old certificate. By analogy, Hak Pakai can be utilized as an object of Mortgage Rights for the same reasons as Hak Milik, HGB, and HGU must be registered, transferable (satisfying the principle of publicity), and have economic value. Further interpretation will result in the apartment and the Ownership Rights of the apartment unit on property with the status of Right to Use becoming objects of Mortgage Rights.

Every land right serves a social role in that every person, legal entity, or agency having a link to land is obligated to use the land by maintaining it, improving its fertility, and preventing harm to make it more efficient, effective, and useful to society's welfare. One of the National Agrarian Law's guiding ideas is that all land rights serve a social purpose. This means that any individual, legal entity, or agency having a legal tie to land is obligated to use the land in a more effective and successful manner by preserving the land, improving its fertility, and preventing harm. useful and advantageous to the welfare of society.

² Yamin Muhammad dan Rahim Lubis, 2011, *Hukum Pendaftaran Tanah*, Mandar Maju, Bandung, hlm. 14

Apart from that, it cannot be justifiable for land to be utilized merely for personal gain, particularly if this causes harm to society.

The obligation to maintain land and not abandon it is imposed not only on the owner or right holder, but on any person, legal body, or agency that has a legal relationship with the land, even if they have weak economic interests. While there are still plots of land controlled by individuals, legal entities, or agencies that are not being used in accordance with the provisions of Law Number 5 of 1960 concerning Basic Agrarian Principles Regulations (hereinafter abbreviated to UUPA), land rights are automatically abolished if the land is abandoned.

Based on the control and authority rights mentioned above, it is deemed necessary for the government to regulate the control and utilization of abandoned lands in the form of government regulations and the appointment of PPATs to carry out their functions as officials in order to obtain legal certainty of land rights. Because the norms, rights, and obligations in land management are a unified unit that cannot be separated, which are normatively articulated in the UUPA and legislative regulations connected to land resources, and are included in the decision letter giving rights.³

One of the issues that need attention is the Official Land Deed Maker in accordance with Government Regulation number 24 of 1997, which governs land registration and the regulation of communal land rights. If it is not addressed, it will stymie development progress, given that the present land supply is becoming increasingly limited while the demand for land for expansion is increasing.

According to the aforementioned description, the author is interested in bringing up the topic of land registration for the benefit of the community. captioned "Implementation of Land Registration in Jayapura City to Provide Legal Certainty of Land Rights."

II. Research Method

This study employs empirical juridical research with a social juridical methodology. This study examines and analyzes the research object concerning the implementation of land registration in Jayapura City in order to achieve legal certainty of land tenure. This study was carried out in Jayapura, the capital of Papua Province. Jayapura is considered a service city, yet it still has land issues, namely with relation to buying and selling land.

There are two types of data sources used: primary data sources and secondary data sources. Interviews with the parties involved yielded primary data sources from the field, including the Head of Land Legal Relations at the Jayapura City Land Office, the Head of General Affairs and Personnel at the

³ Ida Nurlinda, Telaah Atas Materi Muatan Rancangan Undang-Undang Pertanahan, Jurnal Bina Mulia Hukum, Volume 1, Nomor 1, September 2016, Fakultas Hukum Universitas Padjadjaran.

Jayapura City Land Office, and PPAT in Jayapura City. Secondary data sources include information gleaned from literature reviews, legislative rules, and reference books.

III. Results and Discussion

Implementation of Land Registration to provide Legal Certainty in Jayapura City

In this study, the author first provides a systematic definition of land registration with the goal of presenting an overview of land registration implementation to achieve legal certainty.

"Systematic land registration is a land registration activity for the first time carried out simultaneously which includes all land registration objects that have not been registered in the area or part of the territory of a village/sub-district or at the level of that area.⁴

As a result, systematic land registration can be implemented as a routine Land Office operation or as an annual project/program activity. The implementation of systematic land registration aims to achieve a "complete village/kelurahan" both in mapping land plots and documenting land rights, in addition to providing guarantees and legal protection for land owners. The land registration data will then be used to provide community land information services. The goal of "complete village/kelurahan" will be quickly fulfilled if systematic land registration is concentrated in one location, carried out simultaneously, and within a reasonably short period of time (maximum two budget years).

Given the foregoing, the implementer of systematic land registration must be ad hoc or in the form of an Adjudication Committee assisted by an Adjudication Team with the same authority as the Head of the Land Office.⁵ In order to stay on track, the Adjudication Committee is assisted by a management unit at the land office level, known as the Land Office Management Support Unit (MSUKp).⁶ Meanwhile, the Adjudication Committee's existence will be aided by the Management Support Unit at Kanwil (MSUK) and the Management Support Unit at the Center (MSUP), each of which has functions, duties, and authority in accordance with its mandate. Aside from that, adequate planning, periodic monitoring, and suitable supervision are required for the successful execution of systematic land registration and the achievement of the "complete villages/kelurahan" aim. As a result, systematic land registration must be implemented in accordance with standard norms, beginning with the planning, implementation, monitoring, and supervision stages.

One thing to keep in mind, according to Hidayat, is that PPAT, which is

⁴ Undang-Undang No 5 Tahun 1960.

⁵ Irawan Soerodjo, 2014, *Hukum Pertanahan Hak Pengelolaan Atas Tanah (HPL) Eksistensi, Pengaturan dan Praktik*, LaksBang Mediatama, Yogyakarta, hlm.5.

⁶ H. Soesangobeng. 2012, *Filosofi, Asas, Ajaran, Teori Hukum Pertanahan, dan Agraria*. Yogyakarta: STPN Press. hlm 25.

based in the legal area of Jayapura City, believes that the administration system and registration procedures used in systematic land registration cannot deviate from those used by the Land Office. This is done so that systematic land registration data integration can be done immediately at the Land Office and connected with current data.⁷

Following Hidayat, SH. is opinion, the major points of systematic land registration activities were defined to make it easier to grasp the process flow that must be followed at each stage of the process. Furthermore, by specifying the work capability of implementers at each level of activity, it will be easier to plan the usage of implementing staff, budget systematic land registration expenses, schedule work completion times, and evaluate implementer performance.

Systematic land registration can be supported by the Central Government (APBN, PHLN), the Regional Government (APBD), or community self-help. Meanwhile, the supporting facilities for systematic land registration must meet minimal levels of completeness (quantity) in order for the adjudication committee/team to carry out their duties effectively.

1. Preparation for Systematic Land Registration.

a. Planning and Location Determination

- 1) The Head of the Land Office proposes the location of systematic land registration to the Head of the BPN Regional Office no later than September, based on the work plan of the Land Office by prioritizing village/sub-district areas or equivalent, which meet the following criteria:
 - a) Registration base maps are available in the form of photo maps or line maps.
 - b) Availability of basic national technical framework points.
 - c) Some areas have been registered systematically.
 - d) It is an urban (sub-urban) development area
 - e) Is a productive agricultural area (rural)
 - f) Is a poor area or an area inhabited by mostly low income people (low income people area)
- 2) The location unit for systematic land registration is the entire area of a village/subdistrict or equivalent level or the part of the area of a village/subdistrict which is the remainder of previous systematic land registration activities.
- 3) The Head of the Regional Office submits a recapitulation of the Land Office's proposals to the Head of the National Land Agency c.q. Deputy for Land Information for further processing, no later than the beginning of October each year.
- 4) The proposed location for systematic land registration will be evaluated for feasibility by the Deputy for Land Information, U.B. Project Director. The systematic registration locations that meet the requirements will

⁷ Hasil wawancara dengan bapak Hidayat selaku PPAT yang berdomisili dalam wilayah hukum di Kota Jayapura tanggal 20 Agustus 2023

have their proposals forwarded and will be determined by the Head of the National Land Agency.

- 5) The Head of the National Land Agency determines the location of systematic land registration in a Decree issued in November and is effective from the inauguration and oath of the adjudication committee/team in front of the Head of the Land Office.
- 6) In villages/kelurahan that have been designated as locations for systematic land registration, it is no longer permitted to carry out land registration activities for the first time sporadically. This is done to achieve the target of "complete villages/sub-districts", so that there is not a single piece of land that is not recorded and mapped by the Adjudication Committee/Team.
- 7) Determining a village/kelurahan as a location for systematic land registration is only permitted for a maximum of 2 (two) consecutive years, if it is held by a government project, except for non-governmental systematic land registration. This time period was determined with the aim of achieving a complete village acceleration program. However, the Land Office needs to plan a program to accelerate self-help systematic land registration by aiming at "complete villages/sub-districts" in the not too distant future.

b. Implementation Personnel Planning

1) Determination of the Committee and Adjudication Team

- a) The Head of the Land Office proposes candidates for the Committee and Adjudication Team who meet the requirements to the Head of the BPN Regional Office no later than September, based on the following qualifications:
 - The candidate for Chair of the Adjudication Committee must have a minimum rank/class of Administrator/III-c who has the ability and knowledge in the field of land registration and/or land rights and has the managerial skills to lead and know the Adjudication Committee and Team.
 - Prospective members of the Adjudication Committee who come from the Village/Subdistrict are the Head of the Village/Subdistrict in their area and the Village/Subdistrict officer who represents them or is a member of the local Village Supervisory Board (BPD) / Subdistrict Council (DK).
 - Candidates for Deputy Chair of the Technical Sector Adjudication Team must have a minimum rank/class of Junior Administrator/III-a who have the ability and knowledge in the field of land measurement and registration and are able to lead the Measuring Officer Unit (Task Force).
 - Candidates for Deputy Chair of the Adjudication Team for Juridical Affairs must have a minimum rank/class of Junior Administrator/III-a who have the ability and knowledge in the field

of land law and are able to lead the Juridical Officer Unit (Task Force).

- Candidates for the Juridical Task Force who come from the Land Office Staff must have a minimum rank/class II/b (...) and have skills in serving the community, collecting and researching documents proving land ownership, operating a computer and being able to work in a team. Meanwhile, the Juridical Task Force, which comes from members of the local community, must have a minimum of a high school education or equivalent and have the skills to help collect land ownership documents and priority is given to those who are able to operate computers.
 - Candidates for the Measurement Task Force are implementing consultants for measuring and cadastral mapping who meet the requirements. The determination of the Measuring Task Force is based on the work contract between BPN and the Implementing Consultant.
 - Candidates for the Administrative Task Force who come from the Land Office must have a minimum rank/class of Junior Regulator/II-a who have administrative skills and abilities. Meanwhile, the Administrative Task Force, which comes from members of the local community, must have a minimum of a high school education or equivalent, have the skills to assist with administrative and administrative activities and priority is given to those who are able to operate computers.
- b) The Head of the BPN Regional Office examines the suitability of the candidates for the Committee and Adjudication Team. then, the Head of the BPN Regional Office again submits the proposals of the Candidates for the Adjudication Committee who have met the requirements to the Head of the BPN along with the proposed location for systematic land registration no later than October.
- c) The Head of BPN determines the Adjudication Committee in a Decree of the Head of BPN. The Decree on the Determination of the Adjudication Committee was issued in November and took effect after the inauguration and oath-taking by the Head of the Land Office.
- d) The Head of the BPN Regional Office shall determine the Adjudication Team based on the Decree of the Head of Regional Office after the issuance of the Decree of the Head of BPN regarding the Adjudication Committee as referred to in number 3 above. The Decree on the Appointment of the Adjudication Team was issued in December.

2. Determination of Supporting Personnel for Implementing Systematic Land Registration

- a. Candidates for Project Leader/Project Section and Candidates for Project Treasurer are proposed by the head of the work unit/person in charge of the project. Determination of Pimpro/Pimbagpro and Treasurer based on

Decree.

- b. The Head of the Land Office proposes MSUKp Implementing Candidates and the Extension Team (CRS) to the Head of the BPN Regional Office in September.
- c. The Head of the BPN Regional Office appointed the MSUK, MSUKp Implementing Staff and the Extension Team (CRS) based on a decision letter in December.

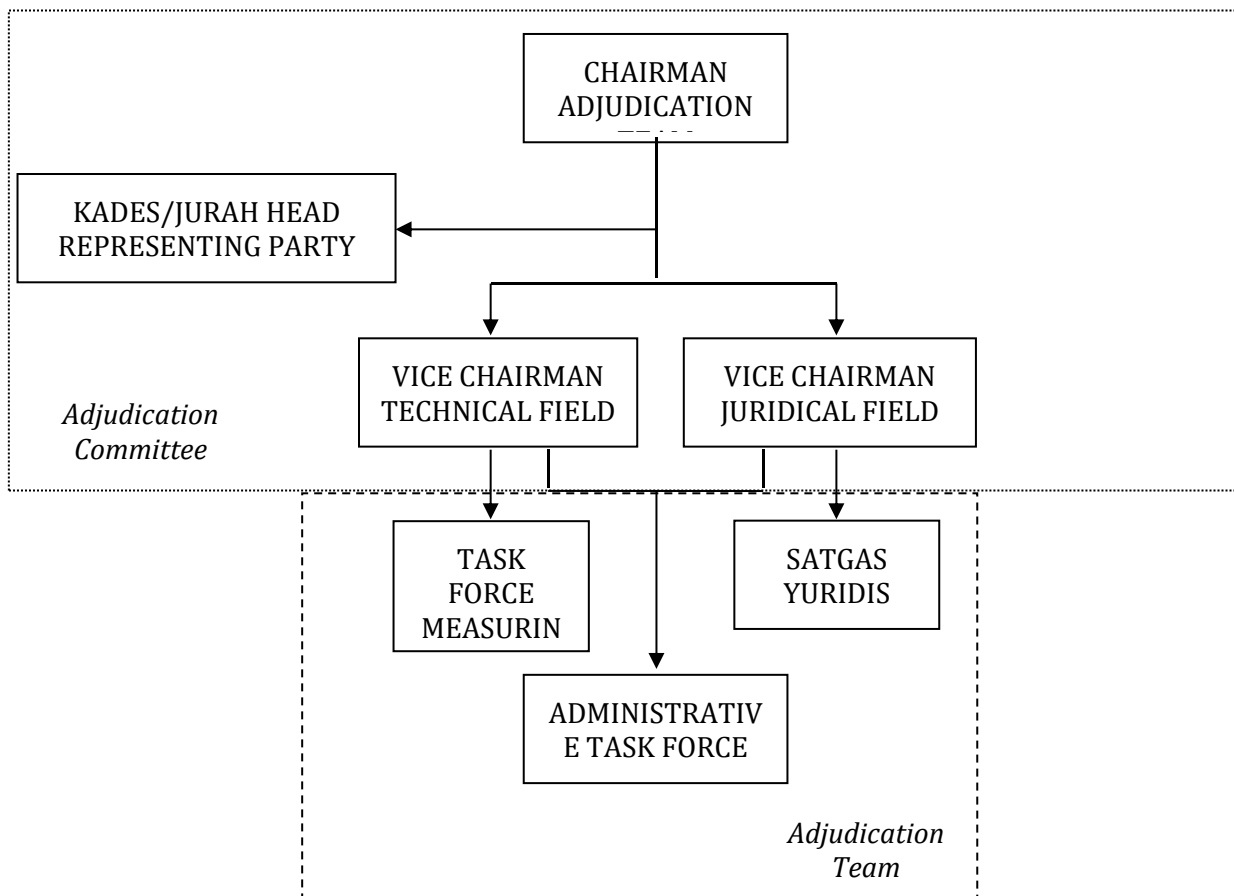


Figure 2. Organizational Structure of the Adjudication Team

Composition, Duties and Authorities of the Adjudication Committee and Adjudication Task Forces

- 1) The composition of the Adjudication Committee consists of:
 - a. A Committee Chair who is also a member and ex officio Chair of the Adjudication Team has the following duties and authority:

Authority:

 - (1) Lead and be responsible for the entire implementation of the adjudication activity program;
 - (2) Coordinate the implementation of activities with the local Regency/City Land Office and related agencies;
 - (3) Provide guidance on the implementation of activities including initial

- counseling at systematic land registration locations;
- (4) Based on the minutes of ratification of the announcement as intended in Article 28 PP No.24/1997:
 - a) confirm the conversion of land rights;
 - b) sign a determination of recognition of rights;
 - c) propose granting rights to state land;
- (5) On behalf of the Head of the Land Office, sign the land book and certificate and validate the registration map;
- (6) On behalf of the Head of the Land Measurement and Registration Section, sign the measurement letter;
- (7) On behalf of the Head of the Land Office, register the transfer and encumbrance of land rights that have been registered in the context of carrying out systematic land registration before the relevant title documents are handed over to the Head of the Land Office;
- (8) Sign the document handing over the results of the Adjudication Committee's activities to the Head of the Land Office. Task:
 - a) Create a work program for the implementation of adjudication in the form of a time schedule.
 - b) Create job descriptions for all members.
 - c) Actively attend coordination meetings held by MSUK and MSUKp as well as related agencies.
 - d) Provide direction in the form of counseling to the community at the village/district level.
 - e) Hold regular internal meetings at least once a month among members to monitor the progress of implementing adjudication activities and create alternative resolutions for disputes, problems and other obstacles.
 - f) Monitoring the implementation of quality control carried out by the Deputy Chair for Technical Affairs and the Deputy Chair for Juridical Affairs.
 - g) Check and sign DI.201 page 4 as soon as possible before the land plot announcement is carried out.
 - h) Check and sign the minutes of ratification of DI.202.
 - i) As soon as possible check and sign DI.201 page 5 and page 6 (check DI.201 files for land plots that have been adjudicated).
 - j) Check and sign the land book as soon as possible (check whether it has been signed or not for land plots where the announcement has been completed and DI.201 has been completely signed and the land book has been prepared).
- b. A Deputy Chairperson for Technical Affairs who is also a member has the following duties:
 - (1) Monitoring the number of land plots that have been adjudicated.
 - (2) Manage NIB in an orderly manner per village/kelurahan in a control book.
 - (3) Check related physical data and sign it on page 4.
 - (4) Monitoring the number of land parcels that have been measured.

- (5) Examine the monument book and provide initials/signatures.
- c. A Deputy Chairperson for Juridical Affairs who is also a member has the following duties: first, Provide direction to the Juridical Task Force regarding requirements, letters/land ownership documents related to the collection of juridical data, second, Prepare draft notification letters to related parties in the environment location of adjudication regarding systematic land registration activities in the area.
 - d. The Head of the Village/Subdistrict concerned or the Village/Subdistrict Official appointed as a member of the committee has the task of assisting the Chair of the Adjudication Committee.
 - e. The membership of the Adjudication Committee can be supplemented by someone who is deemed to know the juridical data on land plots at the location of the systematic land registration, for example a member of the traditional head, hamlet head, neighborhood head or member of the Village Supervisory Board (BPD) or local Subdistrict Council.
- 2) Duties and Authorities of the Adjudication Committee
- a. Prepare a detailed adjudication work plan.
 - b. Collect physical data and original legal documents (proof of land ownership) for all plots of land in the area concerned and provide a receipt for documents to the rights holder or their proxy with the assistance of the Juridical Task Force.
 - c. Investigate the history of the land and assess the veracity of evidence of land ownership or control.
 - d. Announce physical data and juridical data after fulfilling the requirements, including the completeness of physical data on land plots and juridical data in the form of documents proving land ownership after examining the truth of the land history.
 - e. Help resolve disagreements or disputes between the parties concerned regarding the data announced.
- 3) The composition of the Juridical Task Force consists of several people tasked with collecting juridical data from:
- a. National Land Agency employees who have knowledge of land registration or land rights; and/or
 - b. Some members of the local community who meet the qualifications, have a minimum of a high school education or equivalent, have the skills to collect and examine documents proving land ownership and are preferred to be able to operate a computer.
- 4) The tasks of the juridical data collection task force are as follows:
- a. Collect original legal data documents (proof of land ownership) for all plots of land in the area concerned.
 - b. Carry out inspections of land plots and witness the designation of boundaries by the land owner or his attorney.
 - c. Identify boundary points on the map based on boundary designation by the land owner or his/her proxy, and make a sketch of the land parcel to be submitted to the Measuring Task Force.

- d. Provide a land parcel identification number (NIB) for the plot of land being adjudicated in accordance with the NIB allocation provided from the local Land Office.
- e. Complete the filling in DI.201 completely and correctly.
- 5) The administrative task force consists of one or several people as administrative officers who in carrying out their duties are assisted by several administrative assistants, with the following duties:
 - a. Carry out administrative and administrative work for the Adjudication Team and be able to operate computer programs for administrative activities of the Committee and Adjudication Team.
 - b. Manage office stationery.
 - c. Make an inventory list of the Adjudication Team's items, including a list of certificate forms, a list of forms and a list of results of systematic land registration activities.
 - d. Prepare an attendance list.
 - e. Help handle internal needs of the Adjudication Team.

Factors that hamper the implementation of land registration system to obtain legal certainty Land Rights in Jayapura City.

The research that I want to present in the results of this research is the factors that hinder the implementation of land registration to obtain legal certainty. (Interview with the Head of the Jayapura City Land Agency, Karel Mabui, 20 August 2022) that the factors that really hamper the implementation of land registration in Jayapura City include activities collecting juridical data. In the activity of collecting documents/letters proving land ownership from land owners who are participants in systematic land registration. Land registration must be carried out based on, among other things:

1. Preparation

- a. The Chair of the Adjudication Committee makes a Work Plan for all regions systematically and sequentially. In urban areas, it should be done per RW or block or RT as well as in rural areas per hamlet or village or per RT.
- b. The Chair of the Adjudication Committee divides the work areas for each Task Force into work area units as referred to above and each Task Force gets one or more areas, depending on the number of land plots to be recorded, between 300 - 500 plots/task force/year. For work effectiveness, it is best for each Task Force to cover adjacent work area units.
- c. Each Task Force must follow the work plan determined by the Chair of the Adjudication Committee. So that there is no overlap in work.
- d. Next, the Head of the Adjudication Team invites all RW Heads or all RT Heads to the Adjudication Team Office to determine a schedule for counseling at the community level.
- e. Counseling on systematic land registration activities for each task force

- work area unit is carried out according to a predetermined time schedule.
- f. Next, the Task Force makes a schedule for collecting judicial data for the areas under its responsibility. In this way, it is hoped that land owners will be able to submit documents/letters proving land ownership and indicating the boundaries of their land parcels.
 - g. The Chair of the Adjudication Committee is obliged to withdraw the first registration application files that have not been completed by the Land Office, in accordance with the provisions of article 55 PMNA/KBPN No.3/1997.

2. Allocation of Field Identification Numbers (NIB)

Before the Juridical Task Force goes to the field, the Chair or Deputy Chair of the Adjudication Team is required to allocate a certain amount of NIB to each Task Force. The NIB allocation is carried out through careful planning by looking for information about the number of plots of land for one RT/hamlet/village, which can be obtained from statistical data regarding the number of plots of land in an RT/hamlet/village from the Village/Kelurahan office or from the Service Office. UN. Then the land plots that have been certified are also recorded. The combination of these two pieces of information will be used to allocate NIB for each Task Force.

3. Designation of Field Boundaries

- a. Representing the Adjudication Committee, the Juridical Task Force is required to directly witness the boundary designation by the land owner concerned or his/her proxy, witnessed and approved by the owner of the adjacent land plot. The results of the boundary designation are recorded and included in DI.201.
- b. As far as possible, the Measurement Task Force accompanies the Juridical Task Force in boundary designation activities by the parties, so that the land plot can be directly measured.
- c. At this stage, land boundaries can be arranged for land boundaries whose shape needs to be repaired provided there is approval from the owner of the bordering land in accordance with applicable laws and regulations.
- d. If during boundary designation activities, the Juridical Task Force is not followed/accompanied by the Measuring Task Force for certain reasons, then the Juridical Task Force is obliged to make a sketch of the results of identifying the boundary points for the land plot and then submit the sketch to the Measuring Task Force.
- e. If a boundary dispute occurs, the Juridical Task Force should act as a mediator to seek peace between the two parties to the dispute in the field. If it cannot be resolved, it should be immediately reported to the Chair of the Adjudication Committee to be resolved through deliberation. If it cannot be resolved through deliberation, then the parties who feel disadvantaged are welcome to submit a lawsuit to the Court.
- f. If the Juridical Task Force is unable to obtain an agreement on the location of the boundary between adjacent land owners, the Juridical Task Force can determine a temporary boundary on the basis that according to

the facts in the field it is the boundary line of the land parcel in question. This can also be done for plots of land where the owner is not present even though an invitation to attend has been given.

- g. For the boundaries of land parcels bordering rivers, lakes/reservoirs, public cemeteries or state land, or public and social facilities, the boundary designation should be with the knowledge and approval of the management/right holders, whether individuals, institutions or relevant government agencies.
- h. The Juridical Task Force must also pay attention to whether the boundaries of the land plot are former public facilities (such as old roads, land owner access roads behind the land plot in question, etc.).
- i. The Adjudication Committee must also consider the right of "servitude", namely the right of the land owner to obtain access and access to his plot of land.

4. Collection of Evidence of Rights

- a. The collection of evidence of rights is carried out by the Juridical Task Force based on the work area division plan that has been determined by the Chair of the Adjudication Committee.
- b. The Juridical Task Force is obliged to visit each plot of land and meet the land owner or their legal representative.
- c. The Juridical Task Force is obliged to witness the boundary designation and the signing of the boundary designation at DI 201.
- d. The Juridical Task Force is obliged to collect juridical data on the land plot directly from the land owner and check the authenticity of the land documents/letters.
- e. The Juridical Task Force is obliged to inform whether the documents collected are complete or not. If it is not complete, the land owner is asked to complete it as soon as possible and the Task Force makes necessary notes in the land file, what documents have not been completed.
- f. The Juridical Task Force should ask clearly whether the name and date of birth of the land owner on the KTP are correct or not, as well as the correct address of the plot of land in question with the aim of avoiding errors in writing the name and address on the certificate.
- g. The Juridical Task Force is obliged to provide a receipt for documents/letters proving ownership/control of land to land owners participating in the adjudication.
- h. The Juridical Task Force is obliged to provide an NIB for each plot of land where the original land ownership documents/letters have been collected and submitted from the land owner concerned and the history of the land has been checked.
- i. For the purposes of monitoring work, each Juridical Task Force must make periodic (monthly) reports on the progress of its work.

5. Land History Research (Fill in DI. 201)

- a. IN. 201 prepared and filled in by the Juridical Task Force.

- b. Writing in DI. 201 should be filled in using clear printed letters and black ink, it is not recommended to use pencil.
- c. If a writing error occurs, don't delete it with Typex. It's best to just cross it out and rewrite the actual words of correction and then initial it.
- d. DI Charging. 201 on pages parts I and II must be directly in the field when the Task Force collects judicial data.
- e. Every time you encounter an “*)” sign in DI. 201 The Task Force must cross out irrelevant words.
- f. Every time you see a box image behind a certain word or sentence, the box must be filled with a "4" mark for the word or sentence that is considered correct and an "x" mark for words or sentences that are irrelevant.
- g. Empty columns that are not filled in must be crossed out with a cross line.
- h. Every DI. 201 must be numbered according to the NIB allocated to the land parcel concerned and stored in a separate folder.
- i. All land documents for each plot of land are put together and stored in the same folder as the folder for storing DI. 201 plots of land in question.

In this study, it can also be stated that the objects or parcels of land registered through the direct conversion procedure are land originating from customary land (land belonging to Indonesia) that has proof of ownership or rights base, such as karetk, petitir, original petuk D, all of which are all of which are all of which are all of which are all of which are all of which are all of which are all This basis of rights was issued prior to 1960, or before the UUPA was enacted. Furthermore, the history of land item ownership can be followed from generation to generation, both through inheritance and through the transfer of rights.

The mechanism for registering land in the direct conversion process is that the owner or applicant submits an application to the Land Agency Office by completing the basis of title, proof of payment of Land and Building Tax (PBB), Resident Identity Card (KTP) and other certificates in accordance with the requirements, which has been set. Applicants are required to fill out the application form provided at the Land Office. The application explains:⁸

- a. Applicant's identity; name, age, nationality, address, occupation and if the applicant is a legal entity, then attached documents relating to the establishment of the legal entity.
- b. The condition of the land requested is the location, area, boundaries, land status, and other documents related to the land.

The requirements that must be fulfilled by the applicant have opened up opportunities for crimes to occur, including falsifying documents or using fake documents. In Article 263 of the Criminal Code (KUHP) it is stated "whoever makes a fake letter or falsifies a letter which can give rise to a right, obligation

⁸ Anita D.A Kolopaking, 2013, *Penyelundupan Hukum Kepemilikan Hak Milik Atas Tanah Di Indonesia*, PT. Alumni, Bandung, hal.55-56.

or discharge of debt, or which is intended as proof of something with the intention of using or ordering another person to "using the letter as if its contents were true or not falsified, is threatened if such use could cause loss, due to falsification of the letter, with a maximum prison sentence of six years."

The applicant and the sub-district/village were both involved in the initial cause of the crime, which was inaccurate recognition of the applicant as the owner of the property piece being applied for, as well as administrative errors concerning the location and borders of land ownership in their region. Aside from that, the detailed letter that is used as a basis for rights is also a method or tool that is the starting point for land-related crimes.

Furthermore, deeds of sale and purchase, inheritance, and gifts are some of the ways that land-related crimes emerge. Based on police data, it appears that the District, as the Official Land Deed Maker for land starting from uncertified delinquent status, is highly reliant on the information provided by the owner as the sale or transferor of the land. In actuality, the information provided by the seller is not always the same as the physical data. As a result, the land utilized as the object of sale or acquisition is sometimes certified in the name of someone else.

IV. Conclusion

The implementation of land registration in order to provide legal certainty of land rights in Jayapura City is carried out in two ways, namely sporadically, namely registration carried out individually, secondly, land registration is carried out systematically, namely registration of land rights is carried out in bulk or in groups and land registration is carried out through land registration implementers. in accordance with legal mechanisms. Furthermore, the factors that cause the implementation of land registration in Jayapura City to not comply with regulations are the collection of juridical data and physical data; incomplete facilities and infrastructure; low integrity of the apparatus, and low awareness of the community itself.

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