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Conference of Land Property Rights in Land Registration System in Ternate City, Indonesia

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Abstract

The government, in developing a land strategy, seeks to provide legal certainty of land rights through agrarian arrangements as outlined in Article 19 paragraph (1) of the UUPA, this policy is stipulated to avoid various types of land conflicts arising from different land use requirements for each person. This is because before the enactment of the UUPA, only lands subject to western law, for example eigendom rights, erfpacht rights, postal rights were registered for land with the aim of providing legal certainty and rights holders were given proof of rights in the form of certificates. Land disputes since 1997 have continued to emerge to the surface demanding a resolution both administratively, juridically and politically so that legal certainty and justice can be obtained. Something that is fundamental to be paid more attention to and implemented by justice seekers, is to assess whether the judge's decision has fulfilled the value of justice and legal certainty in land dispute resolution. Land problems can be characterized as latent problems in the sense that although certain land problems have been addressed and are considered to have been resolved, it is possible that later the same problems will reappear. This is a logical consequence of the negative system and land administration adopted in Indonesia. The discourse on land ownership and these cases is caused by differences between the feeling of the people's law and the legal awareness of the rulers of land. This indicates the need to study factors beyond the substance of legislation in order to achieve legal certainty and justice in the registration of land rights. Therefore, an interesting issue from land registration is “the lack of legal certainty and justice for land rights since the enactment of laws and regulations in the land sector in Ternate City.

Keywords: *Certainty; Law; Land; Property Rights; Ternate*

Introduction

The 1945 Constitution, in Article 28 H paragraph (4) which mandates that "every person has the right to have private property rights and these property rights cannot be taken over arbitrarily by anyone: considering the meaning and content of this article can be understood. Individual property rights are truly recognized and protected by law, in this reform era there have been many good changes in the government system in particular in improving the democratic system, especially regarding the freedom to express opinions within the corridor of the law that is allowed, one of the things that has often emerged

until now are disputes and conflicts over defense issues concerning the status of land and who is entitled or owns the land (Habib Adjie, 2008).

The 1945 Constitution, particularly Article 33 Paragraph (3) mandates that the land, water and natural resources contained therein shall be controlled by the state and used for the greatest prosperity of the people. the formulation of the Article clearly shows the existence of land as an inseparable part of the state constitution.Therefore, since the promulgation of Law Number 5 of 1960 concerning Basic Agrarian Principles or better known as the Basic Agrarian Law or better known as the Basic Agrarian Law (UUPA) on September 24, 1960, the Law was enacted. National Agrarian Law which replaced colonial agrarian law. The enactment of the UUPA is also the implementation of Article 33 Paragraph (3) of the 1945 Constitution. The principles of piran listed in Article 33 Paragraph (3) emphasize that the earth, water and natural resources contained therein are gifts from God Almighty to all Indonesian people, constitute the principles of the people's prosperity which is controlled by the State and is aimed at achieving the greatest prosperity of the Indonesian people.

Starting from the aforementioned constitution, it is clear that the state is considered not as the owner of land in a state territory, but the state's authority to control the land solely for the benefit of the public at large. Likewise, individual rights that are given the authority to use, in the sense of controlling, using or taking certain benefits from a certain plot of land, such as land rights in the form of Ownership Rights, Business Use Rights, Building Use Rights and Use Rights The main principle contained in the UUPA and other rights in local customary law, is the right to control the land which gives the right holder the authority to use a certain plot of land to meet the personal needs of his business.

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Based on the aforementioned points, the Government, in developing a land strategy, seeks to guarantee legal certainty of land rights through agrarian arrangements as outlined in Article 19 paragraph (1) of the UUPA, this policy is stipulated to avoid various types of land conflicts that arise as a result of different land use needs for each person. This is because before the enactment of the UUPA, only lands subject to western law, for example eigendom rights, erfpacht rights, postal rights were registered for land with the aim of providing legal certainty and rights holders were given proof of rights in the form of certificates.

Such registration is known as Cadastral Rechts or Legal Cadastre. Whereas lands subject to customary law, for example land gogolan, are not subject to land registration, even if land registration is carried out, the aim is not to guarantee legal certainty, but to determine the obligation to pay tax on land and to give them proof in the form of pipil, girik or stakes.

This land registry was known as the Fiscal Cadastre (Muchsin dan Toton Suprajoto, 2002). The government's effort to provide a form of legal certainty of land rights for a person is by carrying out a registration of land rights. The statement of legal certainty above is substantially clear in accordance with the formulation of Article 19 Paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Principles (Budi Harsono, 2006).

The legal certainty of the rights to land for everyone is expressly stipulated in Article 19 Paragraph (1) that: To guarantee legal certainty, the Government will carry out land registration throughout the territory of the Republic of Indonesia according to the provisions stipulated in Government Regulations, as well as these issues. above, it has been widely highlighted and discussed that during the New Order government it was difficult to provide legal protection for people's rights to land which was still based on customary law, then until now there are still many problems including land grabbing or the emergence of double certificates for land parcels that are not rule out the possibility that one of the certificates is fake.

Land disputes since 1997 have continued to emerge to the surface demanding a resolution both administratively, juridically and politically so that legal certainty and justice can be obtained. Something that is fundamental to be paid more attention to and implemented by justice seekers, is to assess whether the judge's decision has fulfilled the value of justice and legal certainty in land dispute resolution. Land problems can be characterized as latent problems in the sense that although certain land problems have been addressed and are considered resolved, it is possible that the same problems will reappear in the future. This is a logical consequence of the negative system and land administration adopted in Indonesia (Urip Santoso, 2010).

The discourse on land ownership and these cases is caused by differences between the feeling of the people's law and the legal awareness of the rulers of land. This indicates the need to study factors beyond the substance of legislation in order to achieve legal certainty and justice in the registration of land rights. Therefore, an interesting issue from land registration is “the lack of legal certainty and justice for land rights since the enactment of laws and regulations in the land sector in Ternate City. Based on the background description above, the problem that can be formulated in this research is how is the settlement of disputes over land ownership that can provide legal certainty?

Research Methods

The type of research used is normative research, which examines the relevant laws and regulations. Referring to the type of data used, the data collection method used is Libary Research, namely by looking for data that occurs in the field in accordance with the facts and then managing

materials that have a correlation with the problem being discussed, namely in the form of information theoretical found in books and statutory regulations (Soetandyo Wignjosoebroto, 2016).

Data obtained from both field studies and literature studies are basically data that will be analyzed in a descriptive cumulative manner, that is, after the data has been collected, it is then poured in the form of a logical and systematic description (Soerjono Soekanto, 1984). then analyzed to obtain clarity in solving the problem, then deductive conclusions are drawn, namely things that are towards specific things (Peter Mahmud Marzuki, 2010).

Discussion

Function and Role of Land Registration in Providing Legal Certainty in the explanation of Government Regulation Number. 10 of 1961 concerning land registration states that the bookkeeping of a right in the land register in the name of a person does not result in that the person who should be entitled to the land will lose his / her rights. People can still contest rights from those registered in the land book as entitled. So the way of registering rights as regulated in this Government Regulation is not positive, but negative. That is the explanation of Government Regulation Number. 10 of 1961.

The definition of a positive land registration system includes the provision that what has been registered is guaranteed the correctness of the data it has registered and for that purpose the government examines the truth and legality of each community submitted for registration, in a positive system, the state guarantees the accuracy of the data presented. The positive system contains provisions which embody the expression "title by regristration" (with registration created rights), registration creates an "indefeasible title" (rights that cannot be contested), and "the regrister is everything" (to ensure there is an rights and rights holders need to be seen from the land book). Once registered, the party can prove that he is the right holder who actually loses his right to reclaim the land in question. If the registration occurs due to an error by the registration official, they can only demand compensation in the form of money. For this reason, the state provides what is called an "assurance fund". Provisions which embody such expressions are not contained in the UUPA.

Negative publication system, in a negative system that contains positive elements, the state does not guarantee the correctness of the data presented. Its use is at the risk of the party who uses it himself. In the principle of nemo plus juris, protection is given to the real right holder, so with this principle, there is always the possibility of a lawsuit against the registered owner from people who feel they are the real owners.

Apart from the possibility of losing or winning the defendant, namely the registered right holder, this means that the general register held in a country on the principle that the registered owner is not protected by law, has no strength of evidence. This means that the registration of a person in the public register as a right holder does not prove that person is the right holder. So the government does not guarantee the correctness of the contents of public registers that are included in the registration of rights and it is not stated in the law. As can be seen in the Basic Agrarian Law (Articles 23, 32, and 38) which also states that the transfer of rights (HGU and HGH property rights) must be registered and the intended registration is a means of proof regarding the validity of the transfer of rights. Strong does not mean absolute, but more than weak so that registration means more strengthens proof of ownership, but not absolute, which means that the registered owner is not protected by law and can be sued as referred to in the explanation of Government Regulation Number 10 of 1961 (Zaeni Asyhadie, 2018).

The government adopts a negative system, which means that registered owners are not protected as legal holders. Thus, registration means registration of rights that are not absolute, so this means

registering a legal event, namely the transfer of rights, by registering deeds or deed which in English is called regristration of deeds. On the other hand, if there is legal protection for registered rights holders, namely that they cannot be contested, then the registered rights holder is the legal right holder according to law so that registration means registering a person's status as a holder of land rights (regristration of title).

In a negative land registration system, which allows registered rights holders to be contested, the main means of proof in court proceedings are deeds of government regulations and certificates. The certificate is the final result of a process of investigating the history of the land ruler, the result of which will be the basis of the rights of the first registrant and the process of transferring the rights to the next. Land history investigations are carried out by investigating certificates of proof of rights, which are generally in the form of underhand deeds (seals) made in the past or decrees of granting rights, transfer of names (records of granting rights), also based on on the deeds of government regulations. Thus, deeds of transfer of past and present rights play an important role in determining the degree of legal certainty of a land right. Before the UUPA came into effect, to determine the degree of legal certainty of a right, an effort to stipulate the "expiration" was used as an effort to acquire eigendom rights over land (acquisitieve verjaring), which was contained in articles 1955 and 1963 of the Civil Code Book IV.

Expiration as an effort to obtain eigendom rights over an object is regulated in articles 610,1955 and 1963 of the Civil Code. Article 610 stipulates that a bezitter can obtain eigendom rights over an object due to verjaring. The articles of 1955 and 1963 contained the conditions, namely that the control had to be continuous, uninterrupted and uninterrupted, publicly known, acted explicitly as eigenaar, and had to be in good faith. If based on a legal title (title) it must last 20 years, it is necessary to show the base of the title (Simun Ismaya, 1996).

Thus, in essence articles 1955 and 1963 are the implementation of article 610 of the Civil Code, which is located in Book II. The agrarian articles in Book II have been revoked by the UUPA in that article 610 does not specifically regulate agrarian matters. Therefore, that article is still valid, but not fully, in the sense that its provisions are no longer valid as long as it concerns agrarian affairs, (land and others). But it still applies as long as it concerns other non-agrarian objects. Because articles 1955 and 1963 are the implementation of Article 610, it must also be considered as no longer valid regarding land and other agrarian objects, for new land control and land control that began to come into effect during the UUPA before 20 or 30 years. For those in power who at the time the LoGA comes into effect, it has met the requirements of acquisitieve verjaring. These articles by themselves continue to apply. Although the mastery was only requested later. Customary law does not recognize acquisitieve verjaring institutions, which are known in customary law as rechtsverwerking institutions, namely the lapse of time as the cause of loss of land rights, if the land concerned has not been cultivated by the right holder for a long time and is controlled by other parties through obtaining rights in good faith (Endriatmo Sutarto, 2009).

Article 32 of government regulation No. 24 of 1997 and its explanations stated that the land registration which is administered by the UUPA does not use a positive publication system. The correctness of the data presented is guaranteed by the state, but uses a negative publication system. In a negative publication system, the state does not guarantee the correctness of the data presented, although, it is not intended to use the negative publication system purely.

This is evident from the statement in article 19 paragraph (2) letter C of the UUPA, that the proof of rights issued is valid as strong evidence and in articles 23, 32 and 38 of the UUPA that the registration of various legal events is a strong means of proof. Apart from the provisions regarding the procedures for collecting, processing, storing, and presenting physical and juridical data as well as issuing certificates in this government regulation, it is clear that the efforts to obtain and present the correct data as far as

possible, because land registration is to ensure legal certainty. In this connection, the provisions in paragraph (2) are made (Sudikno Mertokusumo, 1988).

This provision aims, on the one hand to stick to the negative publication system and on the other hand to provide legal certainty equally to parties who in good faith control a plot of land and are registered as rights holders in the land book, with a certificate as proof, which according to The LoGA acts as a strong means of proof. Function and Role of Land Registration in Providing Legal Protection for Land Rights Certificate Holders. Land registration according to government regulation number 24 of 1997 uses a negative publication system.

This system states only passively accepts what is stated by the party requesting registration. Therefore, at any time it can be used by people who feel more entitled to the land. The party who acquires the land in good faith. This means, in a negative publication system, the statements contained therein have legal force and must be accepted as true information as long as and as long as there is no means of evidence to prove otherwise. Apart from Indonesia, the negative system also applies in the Netherlands, France and the Philippines. In general, a negative land registration system has the following characteristics: (1) The transfer of a right has legal force, the deed of transfer of rights must be recorded in general registers. (2) Matters that are not announced are not recognized. (3) Publication does not mean that the right has been transferred, and being the one who gets the right according to the deed does not mean that it has become the real owner. (4) No one can transfer something more than what he has, so that someone who is not the owner cannot make someone else the owner because of his actions. (5) Rights holders do not lose their rights without their own actions. (6) Registration of land rights is not a guarantee of the name registered in the land book. In other words, the land book may change as long as it can prove that he is the real owner of the land through a court decision that has permanent legal force.

The advantages of a negative system are: (a) there is protection for the real rights holders; (b) there is an investigation into the history of the land before the certificate is issued. In a negative registration system, land registration officials are not required to check on whose behalf land registration is not required to check on whose behalf the registration of rights is made. Land registration officials register the rights in public registers on behalf of the applicant, so that the work of registering transfer of rights in the negative system can be carried out quickly and smoothly, as a result of not having an inspection by the land registration official. There is a weakness in terms of the general registers provided for land registration. A person who will buy a land title from a person registered in public registries as a right holder must counter his own risk if the registered person is not the real right holder. Thus, a key feature of the negative system is that registration does not guarantee that a name registered in the land book cannot be refuted, even with good intentions. The rights cannot be denied if the registered name is the rightful owner (de eigenlijke eigenaar). The rights of registered names are determined by the rights and buyers of previous rights, the acquisition of these rights is a chain. The negative system reflected in article 19 of the UUPA, according to Boedi Harsono, contains weaknesses, due to mistakes when planning article 23 paragraph (2) of the UUPA.

The history is that in the draft UUPA proposed by the Minister of Agrarian Affairs Soenario, it is stated in article 19 that: Property rights and their transfer are registered according to the provisions stipulated in paragraph (1) registration is an absolute requirement for obtaining ownership rights and the validity of the transfer of these rights. The ministerial committee assigned by the cabinet to perfect the draft, changed the contents of the above article to what is now article 23 of the UUPA. The reason is that the draft of article 19 of the UUPA gives an impression as if land registration follows a "positive system" (JW Muliaman, 2009).

This impression is wrong, because if a positive system is used, the formulation is not "registration of absolute requirements" but "registration is an absolute means of proof". According to Mariam Darus

Badrulzaman, if we know that the article occurs because of nuclear power, it would be wrong to maintain that error and turn a blind eye to the truth. The provisions of the LoGA and its implementing regulations are in context with other articles in the UUPA and in accordance with the "ideals" of the LoGA. Based on the description, the system of transfer of rights in the LoGA, when the owner's rights are born, is when the registration is carried out. Article 23 paragraph (2) UUPA is not only interpreted as strong evidence, but also as an absolute condition for the birth of rights. This interpretation is in accordance with the words of article 23 of the UUPA and also the systematics of the LoGA. The birth of ownership rights for both parties and third parties is not placed on current momentum but at a moment, namely registration. Negative stesels have indeed had an impact on legal certainty itself (Ali Achmad Chomzah, 2003).

Land disputes are one problem that is very difficult to resolve, because there are differences in rights between two or more parties there. In resolving land disputes, law enforcers must carefully examine the files of each party, because in land disputes, the potential for disputes to lead to violence is so great.

The definition of Land Disputes, according to the provisions of Article 1 point 1 of the Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency Number 1 of 1999 concerning Procedures for Handling Land Disputes, is a difference of opinion regarding: a. the validity of a right; b. granting of land rights; c. registration of land rights including transfer and issuance of proof of rights, between interested parties and between interested parties and agencies within the National Land Agency;

There are at least two ways to settle land disputes, namely non-litigation, through mediation or negotiation. Second, through litigation or through the courts. Each solution path has its advantages and disadvantages. But usually, the litigation path is taken after negotiations or mediation have failed. Many circles claim that land dispute resolution through negotiation and mediation is the best way because it aims to provide a win-win solution for the parties. In addition, this mediation or negotiation route costs less, because the process is much shorter than through court channels (civil suit or state administration lawsuit).

If you take the mediation route, the procedure can refer to the provisions of the Regulation of the Head of the National Land Agency of the Republic of Indonesia No. 1 of 1999 concerning Procedures for Land Dispute Resolution, and refers to Technical Guidance No. 05 / JUKNIS / D.V / 2007 concerning the Mediation Implementation Mechanism in the National Land Agency, whereas if it goes through the court route then of course it follows the civil procedural law. As stipulated in the procedural law, Article 164 Herzien Inlandsch Reglement (HIR) states five valid evidence, namely a) a letter; b) Witnesses; c) suspicion; d) Acknowledgment; e) Oath, so that in facing or committing a civil suit, the preferred evidence is a letter. Anyone who can show the validity of the letter or the basis of land ownership rights at court, then he should be the most entitled to be the owner. This is also in accordance with regulations in the land sector, namely Article 32 Government Regulation Number 24 of 1997, which states that the strongest proof of land rights is a land certificate, besides that, it is necessary to prepare witnesses who know the history of land ownership from people. surrounding people as well as the National Land Agency. So that the conformity between documentary evidence (certificates) and statements from witnesses will strengthen the basis of our ownership, which of course will be considered by the Panel of Judges examining the case (Sutedi Adrian, 2011).

Holders of land rights who can prove valid evidence will be protected by applicable law. The scope of the power of proof of certificate, which is stated as a strong means of proof by the LoGA is given on condition that as long as it has not been properly proven, the physical data and juridical data included in the certificate must be accepted as correct data, both in the measuring document and the land book concerned. and a person cannot claim the land in question on behalf of another person or legal entity, if within 5 (five) years since the certificate issuance, the person who feels that he owns the land

does not file a lawsuit at the court, while the land is acquired by the other person or law with faith well and physically in fact controlled by him or by other people or by a legal entity obtaining his approval.

The principle of good faith provides protection to a person who in good faith obtains a right from a person suspected of being a legal right holder. However, the principle of good faith, according to Hog Raad, is a doctrine that refers to rationality and judgment (redelijkheid en billijkheid), so that more good faith proof of ownership of land rights through courts. The principle of good faith was cursed to provide evidentiary power for the general map list in the land office. The legal principle of nemo plus juris, a person cannot take legal action that exceeds the rights they have, and the consequences of the violation are null and void (vanrechtswegenietig), which means that the legal action is deemed to have never existed and therefore has no legal consequences and if the legal action is causing a loss, then the injured party can ask for compensation from the parties who committed the legal act. The principle of nemo plus juris provides legal protection to the actual right holders against the actions of other parties who transfer their rights without their knowledge. Therefore, the principle of nemo plus juris is always open to the possibility of a lawsuit against the owner whose name is listed on the certificate from the person who feels the owner (Herman Hermit, 2004).

Based on the principle of nemo plus juris, the possession of any land right by an unauthorized person is canceled. Thus, the real right holder can always claim back his rights that have been transferred without his knowledge from whoever the rights are. This is very important to provide protection to the real land rights holders. Generally, this principle applies in negative registration systems. Regarding the land registration system according to the UUPA, legal experts offer different views. According to the protection, land registration which is followed in the UUPA besides adopting the Torrens system is also a negative system. Meanwhile, according to Maria Sumardjono, the land registration system in our country according to Article 19 paragraph (1) of the UUPA aims to guarantee legal certainty but it does not mean that it will use the so-called positive system. This provision does not mandate the use of a positive system, because the certificate as a proof of rights issued acts as a strong means of proof and not absolute evidence. The principle of good faith provides protection to a person who in good faith obtains a right from a person suspected of being a legal right holder. However, the principle of good faith, according to Hog Raad, is a doctrine that refers to rationality and judgment (redelijkheid en billijkheid), so that more good faith proof of ownership of land rights through courts. The principle of good faith was cursed to provide evidentiary power for the general map list in the land office. The legal principle of nemo plus juris, a person cannot take legal action that exceeds the rights they have, and the consequences of the violation are null and void (vanrechtswegenietig), which means that the legal action is deemed to have never existed and therefore has no legal consequences and if the legal action is causing a loss, then the injured party can ask for compensation from the parties who committed the legal act. The principle of nemo plus juris provides legal protection to the actual right holders against the actions of other parties who transfer their rights without their knowledge. Therefore, the principle of nemo plus juris is always open to the possibility of a lawsuit against the owner whose name is listed on the certificate from the person who feels the owner.

This is confirmed in the explanation of PP No. 24 of 1997 that other parties who feel they own the land can sue the person whose name is listed on the certificate within 5 years of the issuance of the certificate. So, the registration of rights stipulated in this government regulation is not absolute, because the person who is registered in the land book does not cause the person who actually has the right to the land to lose their rights. That person can still sue an unauthorized person. Boedi Harsono's view that shows muntoha (the person who planned PP No. 10 of 1961), says that the system used in the LoGA is not a pure negative system but a negative system with a positive tendency. The negative meaning here is that if the existing statements are not true, they can still be changed and corrected. Mariam Darus Badrulzaman did not agree with Muntoha and Boedi Harsono. In his dissertation, Mariam saw that the

registration stamp according to Government Regulation Number. 10 of 1961 is more accurately called a mixed system between negative and positive stations.

Land registration provides protection to the rightful owner (negative stamp) and improves it by using positive stesel elements. According to the land registration system in Indonesia it is also called Quasi Positive (pseudo positive). The characteristics of the quasi-positive system are as follows: 10 (1) The name listed in the land book list is the true owner of the land and is protected by law. Certificate is the strongest proof of rights, not absolute. (2) Every event of changing names, through careful procedures and research and fulfills the requirements for disclosure (openbars beginsel). (3) Each boundary parcel is measured and drawn on a land registration map, by looking back at the boundary parcels, if there is a dispute at a later date. (4) The land owner listed in the land book and certificate may be revoked through a District Court Decision process or canceled by the head of BPN, if there is a legal flaw. (5) The government does not provide funds for the payment of compensation to the community, due to an error in land registration administration, but the people themselves feel that they have been harmed through a district court process to obtain their rights. Likewise, with the explanation of PP. 24 of 1997 emphasized that in land registration, the publication system is a negative system, but it contains positive elements, because it will produce certificates of proof of rights that are valid as a strong means of proof (Irawan Soerodjo, 2007).

The posotof stesel is stated in the following matters: (1) PPAT is given the task to examine materially reviewed documents and has the right to refuse the making of deeds. (2) District / municipal land offices have the right to refuse registration if the owner does not have the authority to transfer due. The intervention of the PPAT and the land office on the transfer of land rights provides a guarantee that the name of the person who is registered is truly entitled without giving the opportunity for the right to be able to defend it in the UUPA meaning that registration is not interpreted in a positive system but must be linked to the UUPA. Alone (Kartini Soedjendro, 2005).

This can be seen from the statement in article 19 paragraph (2) letter c of the UUPA, that the proof of rights that is issued acts as strong evidence and in articles 23, article 32 and article 38 of the UUPA that the registration of various legal events is a means of proof that strong. In addition, from the provisions regarding the procedures for collecting, managing, storing, and presenting physical and juridical data as well as issuing certificates in this government regulation, it is clear that efforts are made to obtain and present correct data as far as possible, because land registration is to ensure legal certainty. . In this connection, the provisions in paragraph (2) are made. This provision aims, on the one hand to stick to the negative publication system and on the other hand to equally provide legal certainty to the party, who in good faith controls a plot of land and is registered as the right holder in the land book, with a certificate as proof, which according to the UUPA acts as a strong means of proof. The weakness of the negative publication system is that the parties whose names are listed as rights holders in the land book and certificate are always faced with the possibility of a lawsuit from other parties who feel they own the land. In this sense, what is stipulated in this paragraph is not creating new legal provisions, but rather is the application of existing legal provisions in customary law, which in the current legal system is part of the Indonesian National Land Law and at the same time provides a concrete form in the application of the provisions in UUPA regarding neglect of land (M. Koesno, 2000).

If the rechtsverwerking institution can be used as a means of making a registered right holder, the legal owner of a plot of land protected by law, then with a series of deeds of further government regulations, which have perfect or strong formal or material proof, the final right holder they will also become rights holders who have a stronger legal position.

Conclusion

The purpose of land registration is to provide legal certainty and legal protection to land rights holders. Second, a land title certificate is proof of rights which is a manifestation of the land registration process that can provide legal certainty and legal protection for the holder. Third, the land registration system in Indonesia adopts a negative publicity system with a positive tendency. This system basically does not provide legal certainty, let alone legal protection for both certificate holders and third parties who obtain land rights.

Holders of land rights who can prove valid evidence will be protected by applicable law. The scope of the power of proof of certificate, which is stated as a strong means of proof by the LoGA is given on condition that as long as it has not been properly proven, the physical data and juridical data included in the certificate must be accepted as correct data, both in the measuring document and the land book concerned. and the person cannot claim the land in question on behalf of another person or legal entity, if within 5 (five) years since the issuance of the certificate.

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