



The Role of the Regional Office of the National Land Agency Aceh Province in Settlement Land Disputes

Mila Hayati¹, Suhaimi²; Sulaiman²

¹ Master of Notary, Faculty of Law, Syiah Kuala University, Aceh, Indonesia

² Faculty of Law, Syiah Kuala University, Aceh, Indonesia

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Abstract

This study aims to identify and explain the role of the Regional Office of the National Land Agency of Aceh Province in resolving land disputes and dispute resolution procedures are carried out by the Regional Office of the Aceh Province National Land Agency. With the enactment of the “Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of Republic of Indonesia Number 11 of 2016 Concerning Settlement of Land Cases”. Several land cases in Aceh occurred because of the dual certificates issued by the District/City Land Offices. So that the Regional Office of the National Land Agency of Aceh Province needs to take steps to be able to resolve these cases in order to prevent the emergence of wider land conflicts in the community. This research is included in empirical juridical research, with primary data obtained through field research. The data obtained qualitatively, which is then presented descriptively. The results of the study indicate that the role of the Regional Office of the National Land Agency of Aceh Province in resolving land disputes by reviewing the certificate or conducting re-examination of the physical data and juridical data in the certificate. The procedure or mechanism for implementing dispute resolution carried out by the Regional Office of the Aceh Province National Land Agency in resolving land rights disputes is to conduct an assessment of the decisions issued by the Head of the Regency/City Land Office whether they contain administrative legal defects or not. If the certificate issued is categorized as administrative mal, then the Regional Office of the National Land Agency of Aceh Province will repair and/or cancel the certificate on the basis of administrative defects and/or interested parties submit an application to the Regional Office of the National Land Agency for repairs or cancellation of the certificate.

Keywords: *Land Dispute Settlement; Multiple Certificates*

Introduction

The land issue is the most basic issue concerning community rights. “Land besides having economic value also has a social function, that’s why personal interests on the land are sacrificed for the

public interest. This is done by relinquishing land rights by obtaining compensation that is not only in the form of money but also in the form of land or other facilities”.¹

"Land in human life has a very important role because land is a source of prosperity, prosperity, and life. In addition, land has a close relationship with humans because land has economic value for human life and can produce natural resources for many people. This is regulated in Article 33 paragraph (3) of the 1945 Constitution which states: "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people".²

Land rights, can be given to citizens in the form of property rights, HGB, HGU, lease rights, use rights, land clearing rights, rights to collect forest products and other rights not including the rights mentioned above and have been stipulated by law. The law and the temporary rights referred to in Article 53 of the UUPA, as regulated in Article 16 of the UUPA.

“Land issues that have emerged recently are getting more and more complex. The trigger, not limited to economic aspects, but also social and cultural and even religious. In essence, individual interests in land should not be ignored because each individual has the right to respect and protect his interests. These individual and personal land rights in the conception of the National Land Law contain within themselves an element of togetherness”.³

“Often the handling and resolution of land disputes and conflicts is faced with a dilemma between various interests that are equally important. Handling land conflicts that occur clearly requires efforts that are not easy. Thus, an understanding of the roots of conflict, supporting factors and triggering factors is needed, so that strategies and solutions can be formulated”.⁴ One form of land settlement carried out by the Regional Office of the Aceh Province National Land Agency is "issuing a Decree of the Head of the Aceh Province National Land Agency Regional Office by canceling the certificate issued by the Regency/City Land Office. With efforts to resolve the root of the problem, it is hoped that land disputes and conflicts can be suppressed as much as possible, while at the same time creating a conducive atmosphere and realizing legal certainty and justice”.

Related to the existence of the National Land Agency, especially regional offices in each province and is an institution that carries out the delegated authority of the Provincial National Land Agency. Particularly in Aceh Province, "according to Article 253 paragraph (1) of Law Number 11 of 2006 concerning the Government of Aceh, it is stated that the Regional Office of the Aceh National Land Agency and the Regency/Municipal Land Office shall become the Aceh Regional apparatus and the Regency/City regional apparatus no later than the earliest. 2008 fiscal year”. Furthermore, it is emphasized in paragraph (2) that "Further provisions regarding the implementation of the matters referred to in paragraph (1) shall be regulated by a Presidential Regulation".⁵

¹ Deden Setiawan, "Implikasi Pembebasan Tanah untuk Kepentingan Pelebaran Jalan Raya Ditinjau Dari Perspektif Undang-Undang No 2 Tahun 2012 Tentang Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum (Studi Di Jempong Baru)", *Tesis*, Fakultas Hukum, Universitas Mataram, Mataram : Program Pascasarjana, 2018, p. i.

² Ula Safriati, Suhaimi, "Tata Cara Pemberian Hak Pakai Atas Tanah (Studi Kasus Pemberian Hak Pakai Kepada Kementerian Pertahanan Republik Indonesia Di Kota Sabang)", *Jurnal Ilmiah Mahasiswa Bidang Hukum Kenegaraan*, Vol. 3 No. 1, Februari 2019, p. 209.

³ Andi Sitti Saidah Nurfaradiba, (et.al), "Peran Kantor Badan Pertanahan Nasional Dalam Menyelesaikan Sengketa Pertanahan Melalui Mediasi Sesuai Dengan Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 11 Tahun 2016", *Nagari Law Review*, Vol. 1 No. 2, April 2018, p. 160.

⁴ *Ibid.*,

⁵ Zaki Ulya, "Eksistensi Badan Pertanahan Aceh sebagai Perangkat Daerah di Aceh dalam Aspek Kepastian Hukum Bidang Pertanahan", Kota Langsa, Aceh, Fakultas Hukum Universitas Samudra, 2015, p. 12 in Destya Andhara, "Analisis Kewenangan Badan Pertanahan Nasional Aceh Dan Dinas Pertanahan Aceh Di Kota Banda Aceh", *Syiah Kuala Law Journal*, Volume 4 (2), 2020, p. 235.

The existence of the National Land Agency, both at the provincial and district/city levels, is one of the land institutions whose function is to resolve land conflicts according to their authority. "The regional office of the Aceh Province National Land Agency is a vertical agency of the National Land Agency in the Province which is under and directly responsible to the Minister of Agrarian Affairs and Spatial Planning".⁶ The Head of the National Land Agency Regional Office, hereinafter referred to as the Head of the BPN Regional Office, is "the Head of the Echelon II Work Unit at the BPN Regional Office domiciled in the Province while the Land. Office is a vertical agency of the National Land Agency in the Regency/City which is under and directly responsible to the National Land Agency. Minister through the Head of the Regional Office of the National Land Agency".⁷ The Head of the Land Office is the head of the Echelon III work unit at the land office. Head of field, hereinafter abbreviated as Head of Division, is an official at the Regional Office of the National Land Agency who has the task of coordinating and carrying out technical guidance in handling conflicts and land disputes.

"The National Land Agency is an agency agency that provides services to the community in the land sector, especially services for legal certainty, both subject and object of land rights".⁸ Land has an important meaning for the life and welfare of the people. As stated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "Earth, water and all natural resources contained therein are controlled by the State and used as much as possible for the prosperity of the people".

Issues (cancellation of land rights) due to conflicts, disputes or land cases, land disputes are formulated in Article 1 of the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 1 of 1999 concerning Procedures for Handling Land Disputes, hereinafter referred to as PMNA/KBPN 1/ 1999, namely: "differences of opinion between interested parties regarding the validity of a right, granting land rights, registration of land rights, including the transfer and issuance of proof of their rights and interested parties who feel they have a legal relationship and other interested parties are affected by the status of their rights. the law of the land".

According to Sarjita, land disputes are: "disputes that occur between two or more parties who feel or are harmed by these parties for the use and control of their land rights, which are resolved through deliberation or through the courts".⁹

One of the factors in the occurrence of conflicts or disputes is "the administrative problem is not clear resulting in the land being owned by two people and both can prove it with a certificate of ownership (dual certificate). The cause of the certificate in question can be sourced from the applicant's dishonesty in providing technical data or juridical data. This phenomenon shows the low legal awareness of land owners and limited access for the apparatus to obtain the material truth of data and information submitted by the applicant at the time of land registration".¹⁰

⁶ Article 1 number 12 Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 1 of 2021 concerning Electronic Certificates.

⁷ Article 1 number 12 Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 1 of 2021 concerning Electronic Certificates.

⁸ Meita Djohan Oe, "Tugas dan Fungsi Badan Pertanahan Nasional Dalam Pendaftaran tanah", *Pranata Hukum Jurnal Ilmu Hukum*, Program Studi Magister Ilmu Hukum Program Pascasarjana, Universitas Bandar Lampung, Volume 10 (1), Januari 2015, p. 62

⁹ Sarjita, *Teknik dan Strategi Penyelesaian Sengketa Pertanahan*, Yogyakarta : Tugu Yogya, 2005, hlm. 5 dalam buku Suyanto, *Hapusnya Hak Atas Tanah Akibat Penitipan Ganti Kerugian Dalam Pengadaan Tanah Untuk Kepentingan Umum*, Surabaya : CV. Jakad Publishing, 2020, p. 361

¹⁰ Sheila Namira, "Perlindungan Hukum Pemegang Sertifikat Hak Guna Usaha Akiba Kekeliruan Penetapan Batas Tanah", p. 3, accessed <http://download.garuda.ristekdikti.go.id/article.php?article=1422911&val=4097&title=PERLINDUNGAN%20HUKUM%20PEMEGANG%20SERTIFIKAT%20HAK%20GUNA%20USAHA%20AKIBAT%20KEKELIRUAN%20PENETAPAN%20BATAS%20TANAH>, tanggal 9 Juni 2021

Inaccurate applicant data, incomplete technical data collection in the field, limited access to verify proof of ownership, ignorance of land owners and officials about the certainty of the location, location and boundaries of land in the field, these can be the cause of disputes which are one of the causes of conflicts. The certificate is problematic due to the inaccuracy of the officers and officers in charge of the Regency/City Land Office in the land registration process.

“The handling and resolution of land conflicts by the National Land Agency of the Republic of Indonesia is based on the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 11 of 2016 concerning Settlement of Land Cases, which includes a mechanism for providing complaints and information services, studies, case handling, and settlement of land conflicts, as well as legal assistance and legal protection. The settlement of land disputes carried out by the National Land Agency is a new breakthrough in order to avoid the accumulation of cases in the judiciary, especially the State Administrative Court”.¹¹

The process of resolving land disputes regarding the cancellation of certificates can be carried out in the State Administrative Court and also outside the court must be based on “the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 11 of 2016 concerning Settlement of Land Cases”, Meanwhile the cancellation authority is given to the BPN which is divided into two, among others the authority of the ministry and outside the authority of the ministry in the settlement of disputes out of court. Meanwhile, land dispute resolution can be in the form of attribution authority and delegation authority is a form of authority given to the National Land Agency.

With the enactment of “the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 11 of 2016 concerning Settlement of Land Cases”, it is expected to be able to resolve land cases. Cancellation of administrative law defects certificate as a legal effort to prevent, supervise, take action so that there is no conflict of interest on land rights and causes losses to parties who have interests in land. “The National Land Agency as a government agency that has been given the authority by laws and regulations in the land sector in resolving land disputes or conflicts. The authority of BPN is regulated in Article 24 paragraph (7) of the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 11 of 2016 which states that. In the event that on one parcel of land there are overlapping certificates of land rights, the Minister or the Head of the Regional Office of the National Land Agency in accordance with their authority shall issue a decision to cancel the overlapping certificates, so that on the land parcel there is only one valid certificate of land rights”. This is a new breakthrough by the government to avoid accumulation, at least to minimize cases that go to court within the right of authority. The settlement of disputes and conflicts can be carried out by the National Land Agency.

Thus, the purpose of this study is to identify and explain the role of the Regional Office of National Land Agency of Aceh Province in the resolution of land disputes and dispute resolution procedures carried out by the Regional Office of the National Land Agency of Aceh Province.

Research Methods

This research is an empirical legal research, “so the approach method used is empirical juridical. Empirical research is also used to observe the results of human behavior in the form of physical relics and archives”.¹² Empirical legal research is carried out by examining the role of the Aceh Provincial National

¹¹ Sahnan, (et.al), “Kewenangan Badan Pertanahan Nasional Dalam Penyelesaian Sengketa Pertanahan”, *Jurnal IUS*, Volume 7 (3), Desember 2019, p. 436

¹² Mukti Fajar dan Yulianto Achmad, 2017, *Dualisme Penelitian Hukum Empiris & Normatif*, Yogyakarta: Pustaka Pelajar, p. 280.

Land Agency Regional Office in resolving land disputes and how the procedure for implementing dispute resolution is carried out by the Aceh Province National Land Agency Regional Office.

The type of research used is descriptive. Descriptive legal research is carried out based on exposure that aims to obtain a complete description (description) of certain conditions and at certain times, or of existing juridical phenomena, or certain legal events that occur in society. In this case the type of descriptive research aims to describe clearly, in detail, and systematically.

Finally, the data obtained, both field data and library data, were analyzed qualitatively and presented descriptively.

Result and Discussion

The Role of the Regional Office of the National Land Agency of Aceh Province in Land Dispute Resolution

As previously stated, the existence of the National Land Agency, both at the provincial and district/city levels, is one of the land institutions whose function is to resolve land conflicts in accordance with their authority. Land conflicts can occur due to several things, for example due to unclear administrative issues as a result of land owned by two people which can be proven by certificates, resulting in the emergence of multiple certificates. If explored further, the cause of the emergence of the certificate was due to the dishonesty of the applicant who provided incorrect data at the time of land registration. In addition, it can also be caused by the inaccuracy of officers at the Land Office, both field officers and administrative officers in verifying data. Therefore, it is the responsibility of the National Land Agency to resolve the conflict. This is because land rights are included in the object of land registration, the National Land Agency is responsible for granting rights other than during the land registration process, the National Land Agency also has responsibilities before and after the land registration process, including in granting land rights. , because that responsibility is included in the duties and functions of the National Land Agency itself¹³.

One of the disputes resolved by the Regional Office of the Aceh National Land Agency was a land dispute with an area of 2,624 M2 located in Ulee Tuy Village, Darul Imarah District, Aceh Besar District. This dispute began with an application from the Petitioner to the Head of the Aceh Besar District National Land Office to cancel the Land Use Rights (HGB) certificate which had been recorded on November 4, 2019 with HGB Number 263, Measurement Letter Number 447/2019 on behalf of PT. Rizqul Aulad Permai. Based on the request, the Regional Office of the Aceh Province National Land Agency studied and traced the process for the issuance of the HGB 263 Certificate. It turned out that after studying the process of issuing the certificate, administrative defects were found and then the Regional Office of the Aceh Province National Land Agency issued a determination through the Decree of the Head of the Regional Office of the Aceh Province National Land Agency Number 579/KEP-11.19/IX/2020 concerning Cancellation of Certificates in Land Disputes with an Area of 2,624 M2, located in Ulee Tuy village, Darul Imarah sub-district, Aceh Besar district, Aceh province, Antara Nurdin Bin T. Raden (late) is now continued by his biological son, namely Samsul Aulia bin T. Nurdin Cs with Abdullah Bin Makam No Reg Case 01/11.06.600.13/II/ TO2020.

The next land dispute investigated is a land dispute with an area of 560 M2 located in Gampong Mulia, Kuta Alam District, Banda Aceh, Aceh Province. The dispute started with the request for cancellation of the certificate of property number 10251 from Ms. Nursafirah, S.E. dated April 7, 2021

¹³ Aris Rubianto, Ilyas Ismail, Suhaimi, "Tanggung Jawab Badan Pertanahan Nasional Dalam Pemberian Hak Guna Usaha (Suatu Penelitian Di Provinsi Aceh)", *Jurnal Ilmu Hukum Pascasarjana Universitas Syiah Kuala*, Vol. 3 No. 2, Mei 2015, p. 9.

with Letter of Measurement Number 00251/Mulia/2006 dated April 18, 2006 on behalf of Cut Shinta Mayasari, S.E. The dispute was resolved by the Regional Office of the National Land Agency of Aceh Province by issuing a decision by the Head of the Regional Office of the National Land Agency of Aceh Province Number 134/KEP-11.MP.02/V/2021 concerning Cancellation of Property Rights Certificate Number 10251.

Disputes can be resolved by the Regional Office of the Aceh Province National Land Agency without having to go through a court. Thus, the National Land Agency as a government agency has the authority in the field of land to cancel land certificates, which is one of the government's legal actions and is regulated in Presidential Regulation Number 10 of 2006 to handle, resolve land cases that can provide legal certainty for the parties to the dispute in the use, ownership, land tenure in Indonesia. Government legal action as an action, an act carried out by the government/state administration carrying out government duties that have legal consequences.

The regulation on cancellation of land rights certificates can be seen in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 11 of 2016 concerning Settlement of Land Cases. Cancellation of certificates of land rights is a legal action that the Government has assigned to the National Land Agency in the field of land due to land disputes, because certificates of land rights are not proof of absolute ownership, but rather have a strong nature, meaning that the certificate is proof of ownership of physical data, juridical data contained in the certificate in accordance with what is contained in the land book, letter of measurement. If there are parties who object to the issuance of the certificate of land rights, they can file an objection or rebuttal to the National Land Agency to cancel, file a lawsuit in court.

Procedures or Dispute Resolution Mechanisms Performed by the Regional Office of the National Land Agency of Aceh Province

“The resolution of a dispute is indeed not as easy as one might imagine, especially if it is not equipped with basic knowledge or understanding of how to manage a dispute, of course the dispute will never reach the point of settlement. Therefore, the main priority that must be done now is to find and find effective ways or techniques and strategies to manage disputes. The parties involved in the dispute must be willing to sit together and be willing to accept and give in to each other”.¹⁴

The cancellation of the certificate of land rights is concretized by canceling the certificate of land rights as a Decree of the Head of the Land Office as follows:

1. “There is a legal defect in the issuance of a certificate, whether it is based on a request from an interested party or who has been harmed or discovered by the Head of the Land Office concerned;
2. There is a court decision that has permanent legal force that must be implemented”.¹⁵

If there is a court decision that has permanent legal force, there is a defect in administrative law, all tanoa land except for land that has attached rights can be requested for cancellation. The cancellation of a certificate of land rights which has a court decision with permanent legal force and a decision proving that the certificate of land rights is void, null and void, is not valid, it does not automatically become null and void, and must be requested for cancellation by the party winning the court's decision. obtained

¹⁴Sahnan, “Pilihan Hukum Penyelesaian Sengketa Di Luar Pengadilan (Studi Kasus Sengketa Tanah Hak Guna Bangunan (HGB) PT. Sinar Rowok Indah di Kawasan Pariwisata Selong Belanak, Kabupaten Lombok Tengah, Provinsi Nusa Tenggara Barat), *Desertasi Doktor*, Pascasarjana, Fakultas Hukum Universitas Brawijaya, 2010. hlm. 286-287 dalam tulisan Sahnan, “Kewenangan Badan Pertanahan Nasional dalam Penyelesaian sengketa Pertanahan”, ..., *Op. Cit.*, p. 439.

¹⁵ Anak Agung Istri Diah Mahadewi, “Pengaturan Prosedur Pembatalan Sertipikat Hak Atas Tanah yang Merupakan Barang Milik Negara”, *Jurnal Magister Hukum Udayana*, Vol. 2, No. 3, 2013, p. 9.

because the act of cancellation is an administrative action of a government organ official as contained in the Jurisprudence of the Supreme Court Decision Number 350K/Sip/1968, dated May 3, 1969.

“The land registration process is carried out through three stages of activities, namely the activities of collecting and processing physical data, collecting and processing juridical data and issuing documents for proof of rights. In juridical data collection and processing activities, namely by examining evidence of land ownership. For old rights obtained from the conversion of rights that existed at the time the UUPA came into effect and/or these rights have not been registered according to Government Regulation Number 24 of 1997 concerning Registration Land, namely in the form of written evidence, witness statements and/or statements in question, the content of which is deemed sufficient by the Adjudication Committee/Head of the Land Office to register their rights”.¹⁶

As a result of the land registration process, “the holders of registered land rights are given a letter of proof of rights called a certificate. The implementation of land registration makes it possible for holders of land rights to easily prove their rights to the land they control”.¹⁷ Prospective creditors and prospective buyers are interested parties who can easily obtain information about land which is the object of legal action. The government assists in the land sector policy process.

“Government Regulation Number 24 of 1997 concerning Land Registration which replaces the previous regulation. Legal certainty of land ownership data will be achieved if Land Registration has been carried out. Because the purpose of land registration is to provide guarantees of legal certainty and legal protection to holders of land rights. Both certainty regarding the subject (i.e. what the rights are, who owns it, whether or not there is a burden on it) and certainty regarding the object, namely its location, boundaries and extent, and there are / no buildings / plants on it. Government Regulation Number 24 of 1997 maintains the objectives and system used in Article 19 of the UUPA in conjunction with Government Regulation Number 10 of 1961”.¹⁸

Government Regulation Number 24 of 1997 is part of the refinement of the previous regulations to many additions, it can be seen that the articles are more numerous, the contents of the Government Regulation provide more guarantees for legal certainty of land ownership.

Based on the provisions of Government Regulation Number 24 of 1997, it was emphasized that “the purpose of land registration is to provide legal certainty and legal protection to holders of land rights; to provide information to interested parties including the government, in order to easily obtain data on a plot of land if needed”.¹⁹

Thus, that a land certificate is issued not only as evidence, it cannot be contested, it means that the certificate can be revoked or cancelled. Based on the explanation of Government Regulation Number 24 of 1997 in order to provide legal certainty for land holders in the PP which affirms the strength of the certificate, it can be stated as a strong means of proof by the UUPA.

"The reality of life in the midst of the community is the fact that there are still many land disputes that start from the absence of legal certainty in land parcels, such as there are still disputes/cases in the land sector as a result of either because the land rights have not been registered or after the land rights have been registered, in the sense of after the land is certified”.²⁰

¹⁶ Anak Agung Istri Diah Mahadewi, “Pengaturan Prosedur Pembatalan Sertipikat Hak Atas Tanah yang Merupakan Barang Milik Negara”, *Jurnal Magister Hukum Udayana*, Vol. 2, No. 3, 2013, p. 9.

¹⁷ *Ibid.*, p. 69.

¹⁸ *Ibid.*

¹⁹ Article 3 Government Regulation Number 24 of 1997 Concerning Land Registration.

²⁰ Mikha Ch. Kaunang, *Op. Cit.*, p. 69

The researcher focuses in this research on the resolution of special land disputes related to the cancellation of certificates carried out by the Regional Office of the Aceh Province National Land Agency for certificates issued by the Regency/City National Everlasting Agency. The land issues that entered the Regional Office of the National Land Agency of Aceh Province that occurred from 2017 to 2020 are interesting for research. Data that is used as research material on land issues that enter the Regional Office of the National Land Agency in Aceh which consists of cases, disputes and conflicts from 2017 to 2020. Land disputes between legal entities, individuals, institutions that do not have a wide impact are called Land Disputes or so-called Dispute. Land disputes of individuals, groups, groups, legal entities, organizations, institutions that have a tendency / have a wide impact are called Land conflicts or Conflicts are Land Cases or so-called Cases are land disputes that are handled, resolved by the judiciary.

Based on two examples of disputes that have been resolved by the Regional Office of the National Land Agency of Aceh Province, namely the land dispute with an area of 2,624 M2 located in Gampong Ulee Tuy, Darul Imarah District, Aceh Besar District and a land dispute with an area of 560 M2 located in Gampong Mulia, Kuta Alam District, Banda Aceh, it can be seen that the Regional Office of the National Land Agency of Aceh Province has been pro-active in resolving land disputes, especially those relating to the issuance of administratively flawed land rights certificates.

"Cancellation of a certificate can be carried out outside the judicial mechanism, namely by submitting a written application to the Minister or Ministry of Agrarian Affairs and Spatial Planning/National Land Agency through the Head of the Land Office whose working area covers the location of the land in question"²¹ "The mechanism for certificate cancellation outside the judicial process is by submitting an application to the Minister/Head of the National Land Agency/Ministry of Agrarian and Spatial Planning, regulated in Article 110 in conjunction with Article 108 paragraph (1) Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 9 of 1999 concerning Procedures for Granting and Canceling State Land Rights and Management Rights".

The basis of the application is made if there is an alleged administrative defect in the issuance, in accordance with "Article 106 paragraph (1) in conjunction with Article 107 of the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 9 of 1999 which states that: "Administrative legal defects as referred to in Article 106 paragraph (1)" is:

1. "Procedural error;
2. Misapplication of laws and regulations;
3. Error subject rights;
4. Error object rights;
5. Error type rights;
6. Area calculation error;
7. There are overlapping land rights;
8. Juridical data or physical data data is incorrect; or
9. Other errors of an administrative nature".

Land certificates are one of the State Administrative Decrees regulated in "Article 1 number 7 of Law Number 30 of 2014 concerning Government Administration". Cancellation of a State Administrative Decision, can be sued in the State Administrative Court. However, there is a period of time to challenge the State Administrative Decree, between ninety days from the receipt or announcement of the Decision of the State Administration Agency or Official, as regulated in Article 55 of Law Number 5 of 1986, as

²¹Antonius Alreza Pahlevi, *Mengenal Pembatalan Sertifikat Hak atas Tanah dan Prosedurnya* diakses <https://www.hukumonline.com/klinik/detail/ulasan/lt5ee0668e6b036/mengenal-pembatalan-sertifikat-hak-atas-tanah-dan-prosedurnya/>, 10 Juni 2021

follows: ninety days as of the receipt or announcement of the Decision of the State Administration Agency or Official”.

Conclusion

By reviewing the certificate, conducting re-examination of juridical data, physical data on the process of making certificates, it is the role of the Regional Office of the National Land Agency of Aceh Province to resolve land disputes. can make repairs, cancel the certificate on the grounds of administrative defects, interested parties submit an application to the National Land Agency can file a lawsuit in court. As a form of administrative accountability, the employees of the National Land Agency are proven to have issued a decision on the issuance of land certificates, given a sanction of reprimand until the dismissal is disrespectful, still referring to the internal regulations of the institution

The procedure in implementing dispute resolution by the Regional Office of the National Land Agency of Aceh Province in resolving land disputes is a form of land dispute resolution due to the decision to grant land rights/certificates so that the decision issued by the Head of the Land Office contains administrative legal defects/implementing court decisions has permanent legal force. The special regulations as the basis for the cancellation of land certificates have not been clearly regulated in the legislation.

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