

COMMUNITY EMPOWERMENT AND SERVICE
Outside Judicial Assistance in Land Certification Cases in Sragen

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Abstract

Generally, the land registration process takes various ways, but the government determines the registration of land through a complete systematic registration (PTSL). This potential problem is related to the costs incurred to obtain land certification. This method of activity provides out-of-court assistance to clients starting through consultation, mediation, to settlement outside the court. This land registration process generally requires a fee and from the start it was agreed to make this payment, witnessed by 2 witnesses, namely the local village head and BPN members. This mentoring activity program aims to provide clients with their rights in accordance with the agreement that has been agreed between community members and the National Land Agency (BPN)

Keywords: judicial, land, certification, cases, Sragen.

Introduction

The implementation of land registration carried out throughout the territory of the Republic of Indonesia is the government's obligation and right in accordance with Articles 19,23,32, and 38 of the Basic Agrarian Law. Land registration itself is a requirement to achieve legal certainty and legal protection of land rights which aims to create legal certainty in which the legal rules are clear and consistent(1). In addition, there is legal protection for land rights holders in land registration which can be realized if they meet the cumulative requirements which include the issuance of land certificates that are 5 years old or more, the certificate issuance process is based on good faith, and the land is physically controlled by the government. holder of the right or power.

In addition, there is legal protection for holders of land rights in land registration which can be realized if it meets the cumulative requirements which include Issuance and the Government which has the authority to register land, namely through the Ministry of ATR/BPN which has attempted to accelerate land registration with various programs/projects that Previously, such as the acceleration of land registration through the Land Administration Project (PAP), the Land Management and Policy Development Project (LMPDP) or the adjudication project, Larasita, and the National Agrarian Program (Prona) have not been able to achieve the target of land registration throughout Indonesia. aged 5 years or more, the certificate issuance process is based on good faith, and the land is physically controlled by the holder of the right or power.

The latest program at this time is the Complete Systematic Land Registration Program (PTSL) organized by the Ministry of ATR/Ka. BPN(2). To ensure legal certainty and legal protection in the PTSL Program, as well as to reduce disputes the Ministry of ATR/BPN perfects various sets of regulations or written legal bases that are complete and clear, human resources are improved, facilities and infrastructure are increased in quality and quantity, as well as coordination between institutions outside the National Land Agency.

Ownership of agricultural land by absentee/guntai is ownership of land located outside the owner's residence. In the provisions of land law, absentees are required to transfer their land rights within a period of 6 months to another person who is in the sub-district where the land is located or the owner moves to another sub-district. The control of abandoned lands is regulated in PP No. 11 of 2010 but in the implementation of controlling abandoned lands there are still many lawsuits in court which are generally won by right holders because in the aspect of formal procedures the stages are not imposed and are considered as juridical defects. (3) In addition to

COMMUNITY EMPOWERMENT AND SERVICE

the implementation of PTSL, identification and inventory of abandoned land should also be carried out which is the initial data to bring order in accordance with the applicable laws and regulations.

The control of abandoned land is carried out by providing counseling to the community regarding the prohibition of owning abandoned land in coordination with the village/kelurahan.⁽⁴⁾ the second is the recording of each plot of land to determine the subject and object of the land, and the last is controlling it by means of voluntary release or revocation of land rights by providing compensation and the land is controlled by the state and redistributed to those entitled to receive it and or the land is stored as a land bank.

Not all of the land registration processes are purely the authority of BPN, but there are some linkages with other agencies such as the Ministry of Finance in terms of income tax and local governments in terms of fees for acquiring land and building rights and PPAT for making deeds as a condition for issuing certificates.⁽⁵⁾

In addition, there is the authority of the village civil apparatus, namely the lurah, to be a witness in the delivery of land certificates which will be given from the owner of the old land certificate to the owner of the new certificate. In accordance with the negotiations and agreements that have been agreed between the community members, which were attended by 2 witnesses, namely the village head and members of the BPN, that there is an additional fee that must be paid by the community when they will get a land certificate. However, there are differences in understanding between one community member and another which causes the parties concerned to receive complaints that they have committed a criminal act of corruption.

Based on the phenomena and problems above, we as the Legal Aid Institute⁽⁶⁾ takes the initiative to assist in the settlement of cases outside the court by providing assistance during Mediation, Investigations, and investigations conducted at the local Police.

The output of this program is assistance during examinations. This mentoring activity has a goal, namely to provide education, information, and case assistance and how to resolve cases outside the judiciary properly and correctly.

2. Methods

The method used to carry out this activity is assistance during the examination, which starts from the beginning, namely consultation to settlement outside the court. ⁽⁷⁾ The first assistance begins with a consultation carried out by the party with a lawyer where this activity is the activity of the party, namely the client tells the chronology from beginning to end to the lawyer, so that the lawyer can understand the problems and what cases are happening with the client. Furthermore, client assistance through mediation carried out between the client and the parties concerned, namely local residents and the National Land Agency. The next client assistance is when the client conducts an investigation at the local police station.

This extrajudicial assistance activity aims to provide assistance in resolving cases that are outside the court and get the rights that clients should get. ⁽⁸⁾ This mentoring activity will be adjusted to the conditions that occur at the mentoring location. The mentoring activities for these clients can be seen in Table 1.

COMMUNITY EMPOWERMENT AND SERVICE

Table 1. Masalah Prioritas dan Program yang akan Dilakukan

Masalah Prioritas	Program Kegiatan
Klien membutuhkan pemahaman mengenai penyelesaian permasalahan hukum di luar peradilan.	Memberikan edukasi, informasi, dan pendampingan bagaimana menyelesaikan perkara di luar peradilan yang baik dan benar.
Klien membutuhkan pendampingan pada saat mediasi berjalan antara kedua belah pihak.	Memberikan pendampingan kepada klien pada saat mediasi dengan para pihak yang bersangkutan.
Klien mendapatkan hak-hak yang semestinya di dapatkan sesuai dengan apa yang sudah di rundingkan.	Memberikan pendampingan klien pada saat melakukan pemeriksaan di kepolisian setempat.

3. Results and Discussion

This out-of-court assistance has been carried out on 09 February 2021 and 02 March 2021. The following are some of the results we can report, including out-of-court assistance in the case of land certification in Sragen,

3.1 Consultation

This activity is carried out due to a lack of knowledge from the party who will resolve the case and requires assistance to maximize settlement outside the court(9). The activity was carried out on August 27, 2020 at the Office of the Legal Aid Consultancy Agency (BKBH) of the Faculty of Law, UMS, starting at 09.00 until 10.00. This consultation is the method used in understanding the case problem to the party concerned, in this case the client.

The material discussed includes the initial chronology of the problem. The material is obtained from the client's opinion which is submitted directly to the lawyer. This consultation ends with an agreement between the client and the lawyer with the signing of a power of attorney. This activity went smoothly without any problems.

3.2 Mediation

This activity was carried out on March 11, 2020. In this session the activities carried out were Mediation between the parties concerned, namely the community members and the National Land Agency (BPN) of Sragen and the party who would settle the case outside the court(10) dalam hal ini adalah klien. Kegiatan ini berjalan lancar tanpa ada kendala apapun.

3.3 Client Assistance in The Police

COMMUNITY EMPOWERMENT AND SERVICE

This activity was carried out on February 9, 2021. In this session, the activities carried out were assisting clients during examinations at the police. At the police office the client is asked to answer several questions which are referred to as the Minutes of Investigation submitted by the Investigating Apparatus, namely the local Police. This activity went smoothly without any problems.

Picture 2. Client Assistance in Sragen Police



3.4 Local Client Assistance

This activity was carried out on March 02, 2021. In this session the activities carried out were assisting clients in resolving cases in the local area which included the Village Office, District or Village Office, to the National Land Agency. Activities include how the client can fulfill his right to obtain land certification and be free from accusations that the client has committed a criminal act of corruption. The method used is to collect related evidence which includes negotiations between the Client and the village civil apparatus, namely the local Lurah and members of the National Land Agency. The next step is to provide the evidence, including physical and non-physical evidence, to the local community. This activity went smoothly without any problems.

Picture 3. Local Client Assistance



COMMUNITY EMPOWERMENT AND SERVICE

4. Conclusion

The entire program of assistance activities outside the judiciary has been carried out properly. Activities starting from Consultation, Mediation, Client Assistance in the Police, to Client Assistance outside the Court run from 27 August 2020 to 09 February 2021. The results of this out of court assistance are expected to assist clients in solving problems which require assistance. outside the court.

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